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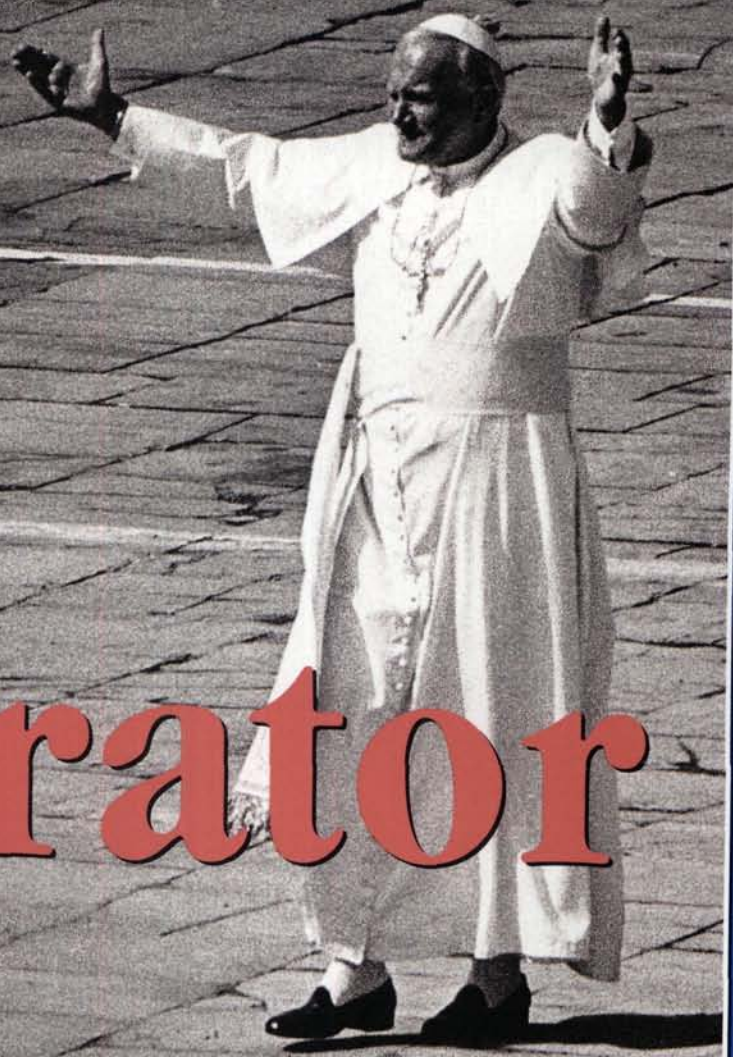
# NATIONAL REVIEW



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April 25; printed April 7

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# letters to the editor

### A NEW TYRANT

Otto J. Reich and NATIONAL REVIEW should be celebrated for exposing the threat posed by Venezuela's Hugo Chávez ("Latin America's Terrible Two," April 11).

The human-rights record of Lieutenant Colonel Chávez is appalling. Thousands of Venezuelans have been arrested, intimidated, or fired from their jobs for having signed a petition seeking Chávez's resignation. There are hundreds of individuals currently facing trumped-up charges for opposing him. There are scores already in prison. In one case, jailed opponents in the Fuerte Mara prison were torched to death with flamethrowers. The government refuses to concede that there have been any disappearances at all. Beyond imprisoning, torturing, and killing his opponents—unfortunate mischief to those who observe Venezuela from afar—Chávez's foreign policy is increasingly apparent as a clear and present danger to the safety of the hemisphere. Reich's report brought needed attention to what might be the next crisis in the Americas.

For those, like President Jimmy Carter, who ignore the dead bodies of the regime's opponents and cling to the fantasy that Chávez is a democratic leader, perhaps a refresher on Venezuela's new criminal code is in order. Article 148 makes insulting Hugo Chávez punishable by six to 30 months in prison; below the strongman, depending on the rank of the government official "dishonored," punishment is half to two thirds of that. Press freedom is dead, now that making comments that could "expose another person to contempt or public hatred" subjects a reporter to a sentence of one to three years in prison and a fine. This very letter, reprinted in Venezuela, could subject me to such penalties.

Notwithstanding Chávez's democratic election to office in 1999, Venezuela ceased to be a democracy years ago. Even putting aside the manifest fraud in the August 15 referendum—a joint team of M.I.T. and Harvard professors revealed statistical evidence of electoral fraud—Chávez's treatment of those who disagree disqualifies his regime from the category of democracy. The Bush administration would be wise to follow Reich's counsel and form an international, politically diverse coalition to confront this dangerous tyrant.

*Thor Halvorssen*
*New York, N.Y.*

### THE FEMINIST DELUSION

Victor Davis Hanson incisively notes ("Decline and Fall," April 11) that Jared Diamond's materialist determinism blinds him to the fact that "material want is often a mere pretext for national delusion and aggression"—as, for example, with Germany's and Japan's claims for lebensraum and the co-prosperity sphere in World War II. This is a profound insight about human nature, one that coincidentally informs Stephan Thernstrom's fascinating account of Larry Summers's recent spanking by Harvard feminists ("Harvard's Crucible," April 11). After all these years, feminists insist on being regarded as victims in need of special privileges rather than neutral standards based on merit. Their claims of discrimination being delusional, their tactics are correspondingly aggressive.

*Lynn Chu*
*New York, N.Y.*



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APRIL 25, 2005 VOL. LVII, NO. 7

# NATIONAL REVIEW

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■ COVER STORY

Page 32

## John Paul the Great

After undermining the Berlin Wall, and encouraging before anyone else the reunification of what had once been Christian Europe, Pope John Paul II clearly qualified as 'John Paul the Great.' His fresh and invigorating interpretation of Vatican Council II, and his huge output of deep and penetrating letters-to-the-world, maybe overqualified him. That is without even mentioning his many visible signs of greatness of soul. *By Michael Novak*

### ARTICLES

20 A Carolina Kid *by John J. Miller*
Republican governor Mark Sanford makes an impression.

22 Congressional Champions *by Jay Nordlinger*
A human-rights caucus within the Human Rights Caucus.

26 Yelling Stop *by Andrew Stuttaford*
Geert Wilders, who lives in a prison, tries to save Holland.

30 Trial by Human Beings *by Theodore Dalrymple*
The jury system and its discontents.

32 John Paul the Great *by Michael Novak*
Reminiscences and reflections.

38 Warm Cold Warrior *by John O'Sullivan*
The Pope against the Soviet Empire.

40 The Pope as Pole *by Radek Sikorski*
What he did for his country; what his country did for him.

42 Reasons to Live *by Ramesh Ponnuru*
The rational case against euthanasia.

44 Death by Court Order *by Andrew C. McCarthy*
What judges have wrought.

47 The Passion of Michael Moore *by Byron York*
Fun and games with *Fahrenheit 9/11*.

### BOOKS, ARTS & MANNERS

52 Therapeutic States—*Daniel N. Robinson* . . . One Nation Under Therapy: How the Helping Culture Is Eroding Self-Reliance, *by Christina Hoff Sommers and Sally Satel*

53 Godless Continent—*Randy Boyagoda* . . . The Cube and the Cathedral: Europe, America, and Politics Without God, *by George Weigel*

54 Liberal Tribalism—*Edward Feser* . . . Identity in Democracy, *by Amy Gutmann*

56 High Priests of Energy—*Jerry Taylor* . . . The Bottomless Well: The Twilight of Fuel, the Virtue of Waste, and Why We Will Never Run Out of Energy, *by Peter Huber and Mark Mills*

58 Art: Sacred Gloom—Catesby Leigh finds Rembrandt was the master of light.

60 City Desk: On Broadway—Mr. Brookhiser's travels.

### SECTIONS

2 Letters
4 The Week
18 Notes & Asides
50 The Long View
51 Help!
56 Poetry
62 On the Right
64 Happy Warrior

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**POLITICS**

# Tom's Travails

House majority leader Tom DeLay is now officially "dogged by ethics questions," a description he can add to the others routinely applied to him by the media: "controversial" and "right-wing." Conservatives must be willing to make cold-blooded calculations about their leaders, since the cause is bigger than any one man. But DeLay has not committed any crimes or ethics violations that merit his ouster. Nor has his effectiveness been so diminished that the Republican caucus would be better off without him—even if he has sustained damage from the drip-drip of allegations against him.

The chief reason the Democrats and the press are ganging up on DeLay is obvious: He is an effective leader of the House Republican majority, and they hope to do damage to the GOP caucus and agenda by taking him out, on the model of former Speaker Newt Gingrich. After all, many of the offenses DeLay is being accused of—taking foreign trips funded by outside groups, attending events with lobbyists—are committed by every congressman on Capitol Hill.

There are three sets of allegations against DeLay, and it is worth going through each one, since so much of the case against DeLay depends on piling up as many charges as possible to create the impression of irredeemable corruption. The first has to do with foreign trips. One was a trip to Seoul funded by the Korea-U.S. Exchange Council, a group that registered as a foreign agent days before the trip. It is against House rules to accept trips from a registered foreign agent. But there was no way for DeLay to know the group had registered, and other Republicans and Democrats—including a Nancy Pelosi staffer—had gone on similar trips sponsored by the group. DeLay disclosed the trip to the Ethics Committee, a sign he believed it was within the rules. Another trip came courtesy of a conservative outfit called the National Center for Public Policy Research. It turns out that the bill for that travel was indirectly picked up by gambling interests represented by the disgraced GOP lobbyist Jack Abramoff, who accompanied DeLay on the trip. It's against the rules for a congressman to accept a trip paid for by a lobbyist. But DeLay denies knowing that the center wasn't really paying. Critics link the trip with a DeLay vote against an anti-gambling bill a few months later. But other members of Congress who generally oppose gambling, as DeLay does, also voted against the legislation, for technical reasons.

The second set of allegations was handled by the House Ethics Committee. The committee dismissed two charges made by outgoing Democratic representative Chris Bell having to do with DeLay's relationship with an energy company called Westar and his staff's contacting of the Federal Aviation Administration when Texas Democrats were fleeing the state by air to avoid voting on a redistricting plan. It also dismissed a charge having to do with DeLay's strong-arming of Republican representative Nick Smith to try to get him to vote for the prescription-drug bill. The committee did warn DeLay to be more careful, the "admonishment" that has played in the media as an official sanction, although it wasn't.

Finally, a Democratic prosecutor in Texas has indicted associates of DeLay for alleged fundraising abuses related to a PAC founded by DeLay, Texans for a Republican Majority. The prosecutor has a reputation for politicized indictments, including a meritless one years ago against Republican Kay Bailey Hutchison. No evidence presented at trial has directly tied DeLay to any of the alleged illegal practices at the PAC, which the prosecutor says involved funneling corporate contributions to Texas legislative candidates in violation of state campaign-finance law.

Conservative groups have rallied around DeLay, as they should when he is being unfairly attacked. But the majority leader should know that even if conservatives reject the Democratic effort to smear and oust him, they are disillusioned to find Republican leaders so comfortable with the perks of power. You can choose your friends, and DeLay's supporters cringe to see sleazy insiders like Jack Abramoff profiting from their relationship with him. It is notable that DeLay's lobbying of Representative Smith was part of an effort to pass a massive new entitlement that not too long ago would have turned DeLay's stomach. So, by all means, let's defend Tom DeLay, but let's hope that we will see more of the old conservative insurgent Tom DeLay.

**AT WAR**

# Wisdom on Intelligence

Liberals have reacted in fury to the Robb-Silberman report on the intelligence failures that produced the flawed estimates of Iraq's weapons-of-mass-destruction capability. It exploded one of their most dearly held beliefs: that Bush officials pressured intelligence agencies to support the case for war.

The very morning the report was released, *New York Times* columnist Maureen Dowd wrote that "political pressure was


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■ The editors cordially invite you to join Rich Lowry, Ramesh Ponnuru, Kate O'Beirne, Jonah Goldberg, Kathryn Lopez, Jay Nordlinger, John Derbyshire, and Andrew Stuttaford for an evening of stimulating conversation, fine dining, and all-around revelry in Atlanta, Ga., on May 5, 2005, in support of National Review and National Review Online. Tickets for the event—which includes a special two-hour seminar and a private cocktail party and dinner, all with the editors—are $500. Space is limited. For reservations please call Tim Wolff at 212-679-7330, or e-mail him at twolff@nationalreview.com.




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the father of conveniently botched intelligence," and fingered Dick Cheney as the lead culprit. Cut to page 50 of the WMD report: "The Commission found no evidence of political pressure to influence the Intelligence Community's prewar assessments of Iraq's weapons programs." In her next column, Dowd trashed the report for not comporting with her convenient fantasy.

According to the report, intelligence agencies shifted toward believing Saddam was reconstituting his nuclear program in early 2001, back when President Bush was essentially maintaining President Clinton's Iraq policy and had no motive to agitate for more dire intelligence. The shift from saying that Iraq might have bio weapons to concluding that Saddam definitely had them had taken place in 2000, when Clinton was still in office. This information, and much more, was wrong. But the problem wasn't that policymakers were pressuring intelligence officials. It was that intelligence officials were not making policymakers aware of how questionable their information was.

Of course, there is no such thing as perfect intelligence. We naturally assumed that Saddam had the worst intentions, and that his lack of cooperation with the U.N. proved that he was developing something nasty. The report, over and over, says that these assumptions—crucial to all the analysis—had "a powerful air of common sense" and were "not unreasonable." But there is no excuse for the sloppy practices, inadequate human intelligence, and lack of imagination that characterized U.S. intelligence. That is the problem that has to be fixed, and Dick Cheney's alleged warmongering has nothing to do with it.

# notes & asides

■ Dear Bill: I'm in complete agreement with you and Ms. Kelley Dupuis (Notes & Asides, March 28). She wrote to you lamenting the "singlenounization" of the word "media," and the apparent abolition of the word "sympathy" in favor of its cousin, "empathy."

However, I think there is a more offensive linguistic trend lately. Have you noticed that there are no more "problems"—only "issues"? I always thought that an issue is something to be discussed or debated, while a problem is something to be solved. Now I hear people saying that they have "issues" with certain types of medications (meaning allergic reactions); or "issues" with their real-estate agent, banker, boss, etc. Who is responsible for this development, and why hasn't that person been apprehended and flayed?

As to Mr. Ed Blanchfield's question (same date) regarding the origin of the phrase "three sheets to the wind," *The New Dictionary of Cultural Literacy*, 3rd ed., states:

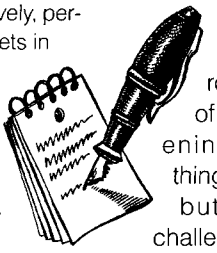
> To be "three sheets to the wind" is to be drunk. The sheet is the line that controls the sails on a ship. If the line is not secured, the sail flops in the wind, and the ship loses headway and control. If all three sails are loose, the ship is out of control.

Best wishes,
Joe Rehyansky
Chattanooga, Tenn.

■ Dear Mr. Buckley: Regarding the query on the origin of "three sheets to [in?] the wind," *Brewer's Dictionary of Phrase and Fable* indicates that the phrase is indeed of nautical origin. A "sheet" (line or rope) is attached to the clew of a sail for trimming, and if the sheet is loose, it is "in the wind," a nautical term for being tipsy.

Brewer also cites Dickens's *Dombey and Son* (chapter 39):

> Captain Cuttle looking, candle in hand, at Bunsby more attentively, perceived that he was three sheets in the wind, or, in plain words, drunk.



Sincerely,
Fred Stumpp
Southport, N.C.

■ Dear Mr. Buckley: Mr. Ed Blanchfield wanted to know the origin of the phrase "three sheets to the wind."

The phrase first appeared in Pierce Egan's *Life in London*, in 1821. This reference, listed by the *Oxford English Dictionary*, refers to the phrase "three sheets in the wind." The phrase apparently refers to an out-of-control sailing ship, with the sheet (the line that controls the sail) unsecured, leaving the sails flopping uselessly in the wind. A staggering, drunken sailor would presumably resemble such a ship.

Perhaps the transformation to "three sheets to the wind" results from the misconception that "sheet" refers to the sail itself, not the line.

Yours cordially,
Ed Sherling, M.D.
Atlanta, Ga.

■ Dear Mr. Buckley: I read with interest a letter you published from Ed Blanchfield regarding the meaning of "three sheets to the wind." Surprisingly, you were stumped, which probably means that you don't have a copy of Robert Hendrickson's excellent and entertaining resource: *The Facts on File Encyclopedia of Word and Phrase Origins* (2000). In it, he explains that the reference to sheets is not to sails, but rather to the rope attached to the lower corner of the sail that is used for shortening and extending it (something you obviously already know, but there are some maritime-challenged readers out there like me). When all three sheets on a three-sail vessel are loosened, allowing it to run free, the sails flap and flutter in the wind. Thus, sailors say that a person who is slightly drunk has one sheet to the wind, and that someone who can barely navigate has three sheets to the wind. The expression was first recorded in Richard Henry Dana's *Two Years Before the Mast* (1840). This explanation seems plausible enough to me.

Congratulations on your 50th anniversary.

Cordially,
Kevin F. Reed
Washington, D.C.
—WFB



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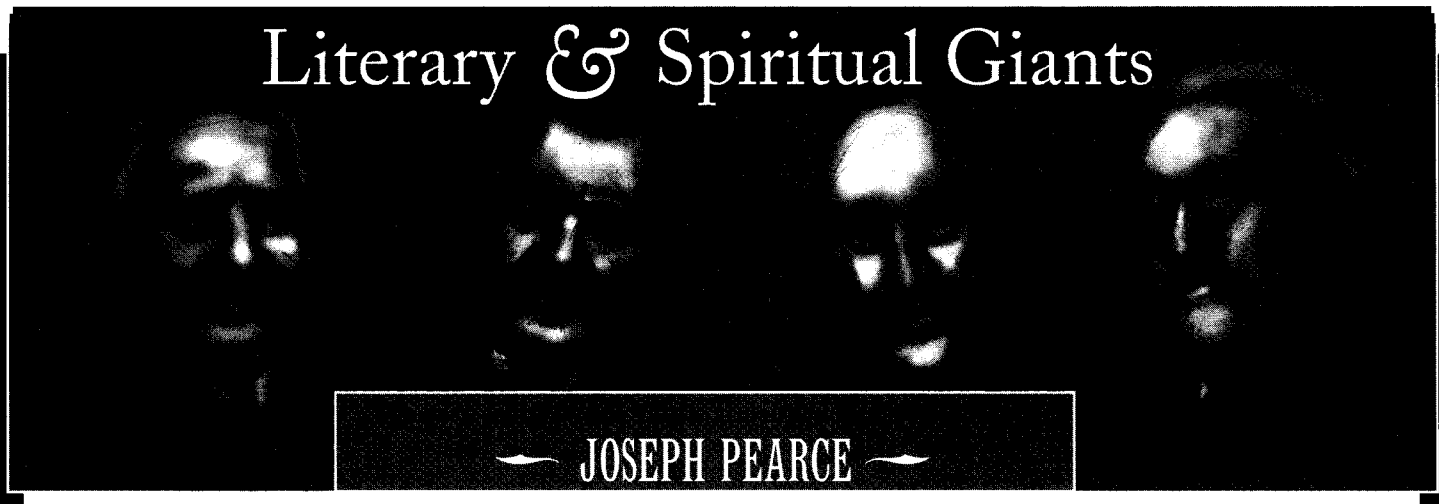
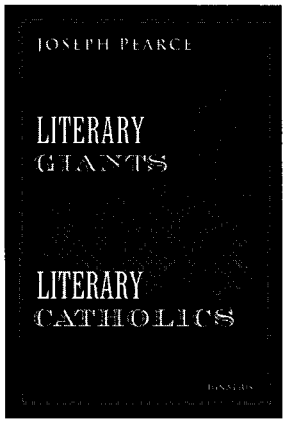
# Literary & Spiritual Giants

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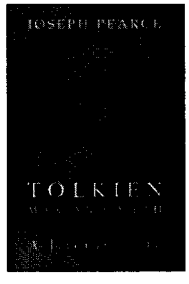


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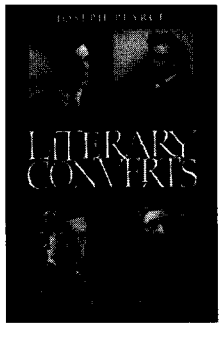


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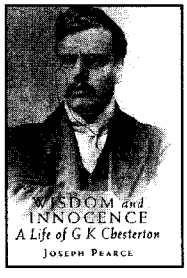


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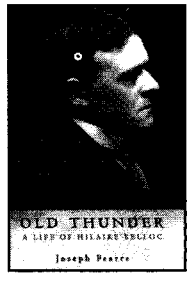


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■ POLITICS ■

# A Carolina Kid

## Republican governor Mark Sanford makes an impression

JOHN J. MILLER

"MARK SANFORD: Wrong on Social Security, wrong for South Carolina." This slogan blared into living rooms all over the Palmetto State in 2002, when Sanford was running for governor against Jim Hodges, the incumbent Democrat. It was Sanford's reward for daring to reform Social Security as a Republican congressman in the 1990s. Hodges figured that a negative campaign would boost his reelection chances, especially if he could shine a bright light on Sanford's support for letting workers invest a portion of their payroll taxes through personal accounts—or, as Hodges put it, forcing seniors to "bet their retirement fund on corporate disasters like WorldCom and Enron."

It didn't work. Voters decided that Sanford was in fact right for South Carolina, and he won by six points. Since then, he has gone on to become one of the best new governors in the country, ranking near the top of the Cato Institute's latest fiscal-policy report card and putting himself in position for an easy reelection next year. Conservatives have praised his efforts to slash taxes and limit the growth of government. A college student in Maryland has even launched a "Draft Sanford for President 2008" website.

Call it a Social Security survivor's benefit. "I learned that this doesn't have to be the third rail of American politics," says Sanford.

The governor, now 44, decided to enter politics in 1991, after listening to Jim Davidson of the National Taxpayers Union talk about government finances at Renaissance Weekend, the annual confab made famous by regular attendees Bill and Hillary Clinton. Sanford is a fitness buff—he swims daily, likes to windsurf, and usually sports a dark tan from spending so many hours in the sun. He grew irritated as he learned about Washington's budgetary *unfitness*. "Davidson scared the bejesus out of me," he says.

Two years later, Sanford was running for Congress from a coastal district that included Myrtle Beach. "We had a lot of retirees living there," he says. Yet he wasn't afraid to stand outside Wal-Mart stores and stump for tax cuts, spending restraint, school choice—and Social Security reform. Sanford grabbed the GOP nomination and was elected to Congress in the class of 1994.

In Washington, he earned a reputation as a penny pincher, both for his voting record and his personal behavior. During his six years on Capitol Hill, he slept on a futon in his office, even though he's a millionaire who easily could have afforded a small apartment. To cut down on paper costs, his staff used the letterhead of Rep. Andrea Seastrand, a California Republican who was defeated for reelection in 1996. "We found reams and reams of her stationery sitting in the hallway and decided to put it in our fax machine," says Scott English, a longtime Sanford aide. "I think we finally ran out in December 2000." Sanford's office ultimately returned more than $1.2 million in unused funds.

That's the kind of story that makes constituents stand up and cheer. Then there are the anecdotes that make them cringe, like the one about Sanford's going to the movies with a couple of his fellow congressmen. He offered to buy them drinks at the concession stand—and came back to their seats with a big cup of Coke and three straws.

This frugality extended to the floor of the House, where Sanford opposed public-works projects in his own district and cast a series of votes that practically begged the other party to make attack ads out of them. Sanford voted against a bill to preserve Underground Railroad sites (he hates blacks!), against the reauthorization of the Violence Against Women Act (he hates women!), against a breast-cancer stamp (he hates women with breast cancer!). But Sanford was an equal-opportunity denier: He was the only Republican to oppose renaming Washington National Airport in honor of Ronald Reagan. "It already had a name," he says. In each case, Sanford was concerned about unnecessary spending.

ROMAN GENN



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His main focus, however, was Social Security. Sanford began offering reform ideas—beta versions of what President Bush advocates now—shortly after his 1995 swearing-in ceremony. His first bill was his most ambitious one. It would have allowed workers to redirect a chunk of their payroll taxes into private accounts. Sanford has described it as "136 pages that would put you to sleep at night"—and, indeed, it went nowhere in Congress. Yet his colleagues increasingly recognized him as a leader on an emerging issue. In 1998, he gave the GOP response to Clinton's weekly radio address; he talked about Social Security; Clinton had talked about Ireland. Sanford also debated Social Security at a national "town hall" meeting with Al Gore (who promised that the Clinton administration would tackle Social Security just as soon as that year's elections were over).

Sanford's commitment to the issue was so deep that he agreed to join a congressional delegation visiting Japan, Australia, and New Zealand in 1999. He had previously criticized his colleagues for wasting taxpayer money on such junkets, but in this case his motives were pure: He wanted to make the case for Social Security reform in front of a buttonholed Denny Hastert. "It's face time," he explained to the *Post and Courier* of Charleston. "I'm going to be on the same plane with him for nine days." The next year, he pushed the idea of a "personal lockbox" that would return the Social Security surplus to workers in the form of cash they could commit to private accounts. Congress didn't pass it, of course, but Sanford never has believed his efforts were wasted. "I spent a lot of time out there trying to advance public opinion," he said in 2002. "I shifted the debate."

After six years in Congress, Sanford honored a term-limits pledge and stepped down. He indicated that he had no plans to run for another office, and he even joined the Air Force Reserve as a logistics officer who coordinated medical crews aboard C-17s. (He still belongs, and may be called up—which would present an interesting problem.) "It was an odd midlife crisis," he says. "We've disconnected the rights of being Americans with the responsibilities. I wanted to have some juice in the deal, and to set an example for my boys." (Sanford and his wife have four sons.)

It wasn't long before Sanford set his sights on the governorship. As a candidate, Sanford proposed abolishing the state's income tax over the course of 18 years. As governor he wasn't able to move this idea through the statehouse, even with Republicans in control of both chambers. Instead, he found himself issuing 106 budget vetoes in an effort to reduce spending—but legislators overrode 105 of them. Sanford protested their taste for pork by carrying a pair of piglets into the capitol building. His prickly relations with lawmakers continue this year, as he keeps on pushing for tax cuts that South Carolina's senatorial grandees don't want to give him.

Sanford hasn't jumped into the current fray over Social Security. "I'm so busy as governor, I can barely breathe," he says. But he does think the time is right for reform. "When I first ran for Congress, people didn't perceive a problem," he says. "They do now. You don't have to explain it to them." He insists that conservatives shouldn't be afraid of presenting their solutions to groups of senior citizens. "We found that although the national AARP was against us, local chapters were much more receptive," he says. "The ultimate constituency for grandparents is their grandkids. They're interested in learning about how a personalized system would work for their grandchildren." And there's one thing that always had his listeners nodding: "Everybody agrees that the riskiest place you can keep your money is in Washington. That's why I think the president is really on to something when he talks about an 'ownership society.' That message can work."

Sanford certainly knows how to make a message work and turn it into a political victory. Before he was elected to Congress in 1994, he had to win a seven-way Republican primary. He had to do the same thing eight years later, taking the GOP gubernatorial nomination in a race that featured seven candidates. If seven Republicans run for the 2008 Republican presidential nomination, some media wag is bound to label them "the seven dwarves." Conservatives hoping to find someone not so dwarfish may want to check out that "Draft Sanford" website. **NR**

■ **CAPITOL HILL**

# Congressional Champions

## A human-rights caucus within the Human Rights Caucus

JAY NORDLINGER

Last month, Rep. Ileana Ros-Lehtinen and Rep. Eliot Engel introduced their Lebanon and Syria Liberation Act. It calls for sanctions on companies and countries that help Syria acquire weapons of mass destruction; it also calls for aid to Syrian and Lebanese pro-democracy and human-rights groups. The bill is a follow-up to the representatives' Syria Accountability and Lebanese Sovereignty Restoration Act, which President Bush signed in December 2003. Ros-Lehtinen and Engel don't care much for the Syrian regime, and they don't care much for tyrannical regimes elsewhere, either. They are, indeed, part of a small group of House members who can be counted on to champion human rights around the world.

Where human rights are concerned, the same names pop up, over and over. Ileana Ros-Lehtinen is a Cuban-American Republican from Miami, and so are the Diaz-Balart brothers, Lincoln and Mario. They are always carrying on about human rights, and always will. Why is not hard to understand: The Cuban experience is central to their lives. Eliot Engel is a New York Democrat, and a steadfast ally of the Cubans: of the Cuban-American congressmen, and the Cuban people. Two other Democrats who can be relied on are Gary Ackerman, another New Yorker, and Tom Lantos, the Hungarian-born Californian who survived the Holocaust. Other Republicans who are identified with human rights are Frank Wolf, from Virginia, Chris Smith, from New Jersey, and Chris Cox, another Californian.

This is not to say that these congressmen are mushballs—far from it. They



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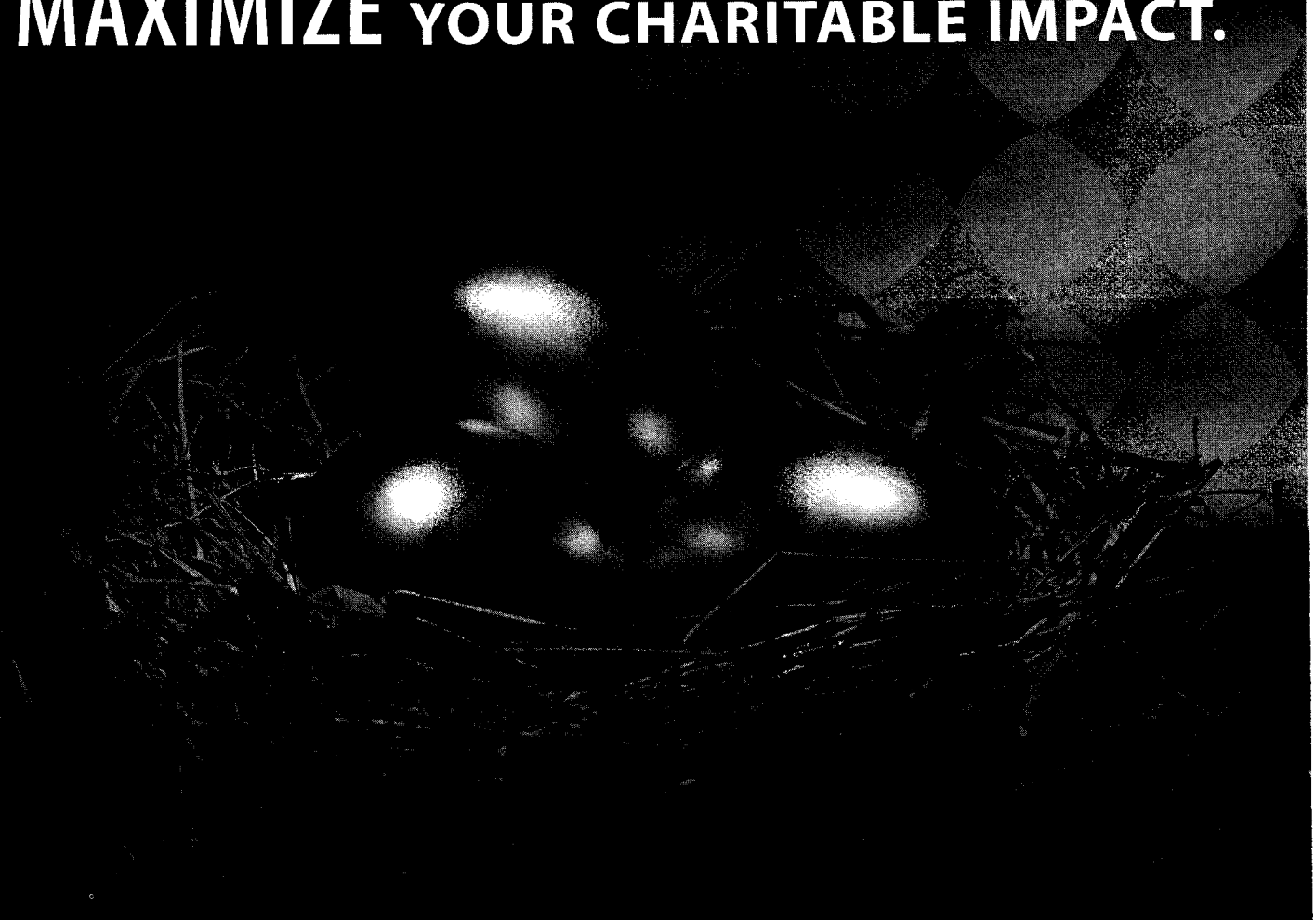

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have hard heads to go with soft hearts. But they believe that human rights belong in U.S. foreign policy, and that America is not, ultimately, a nation like any other: It has standards to uphold.

Ros-Lehtinen says that she is "proud to be in that group—'we few, we happy few, we band of brothers.'" When she sees that Smith, Cox, Lantos, or one of the rest is involved in something, "I know it's a good and worthy cause." There is a Human Rights Caucus in the House, which may sound something like a Motherhood and Apple Pie Caucus. (The caucus's motto: "All human beings are born free and equal in dignity and rights.") In this caucus are 170 members, but not all members are interested in all countries, that's for sure. A few are stalwart regardless of country. The caucus was founded by Tom Lantos, and is co-chaired by Frank Wolf and him.

In talking about Syria, Ros-Lehtinen is as animated as when she talks about Cuba. It spills out of her: "They're tortured and harassed and intimidated, and they're forced into exile! There are 400 political prisoners in Syria, and 100 of them have been in jail for at least 20 years! The Syrian regime engages in arbitrary arrests and systematic torture and prolonged detention and grossly unfair trials—you name it, Syria does it all."

Ros-Lehtinen says that it has been hard to interest her fellow congressmen in Arab-world human rights. Many have had "the feeling that this is a different culture, a different mindset. They say, 'We cannot impose our will on others.'" If Arab men perpetrate "honor killings"—when, for example, a daughter or sister is said to have glanced at a boy in a park—who is the arrogant West to object? Ros-Lehtinen will not tolerate foolish relativism.

Of her partner, Eliot Engel, she says, "He's such a mensch, such a great guy." Ros-Lehtinen has begun a program whereby congressmen "adopt" a Cuban political prisoner, in order to call attention to that fate—and "Eliot was one of the first to respond, even though he doesn't have any Cubans in his district." Engel, says Ros-Lehtinen, "is a principled man," an "incredible freedom fighter," who "feels it in his heart." He does not act the way he does "for political reasons." In fact, his stances "may cut against him, in his district."

That district is the Bronx—at least a chunk of that borough—and beyond. Some of Engel's positions have indeed been unpopular, with those he calls "the activists." He has inflamed them with his support of the Cubans, and of both Iraq wars, and of the Patriot Act—and of the Terri Schiavo bill: "I voted to let the federal government take a look at" that case. (After voting, he told the press that he ultimately could not decide to "deny sustenance to this woman.") Engel says that "if the activists aren't happy with me, they're not happy with me—so be it." He stresses consistency and clarity, and is willing to let the electoral chips fall where they may.

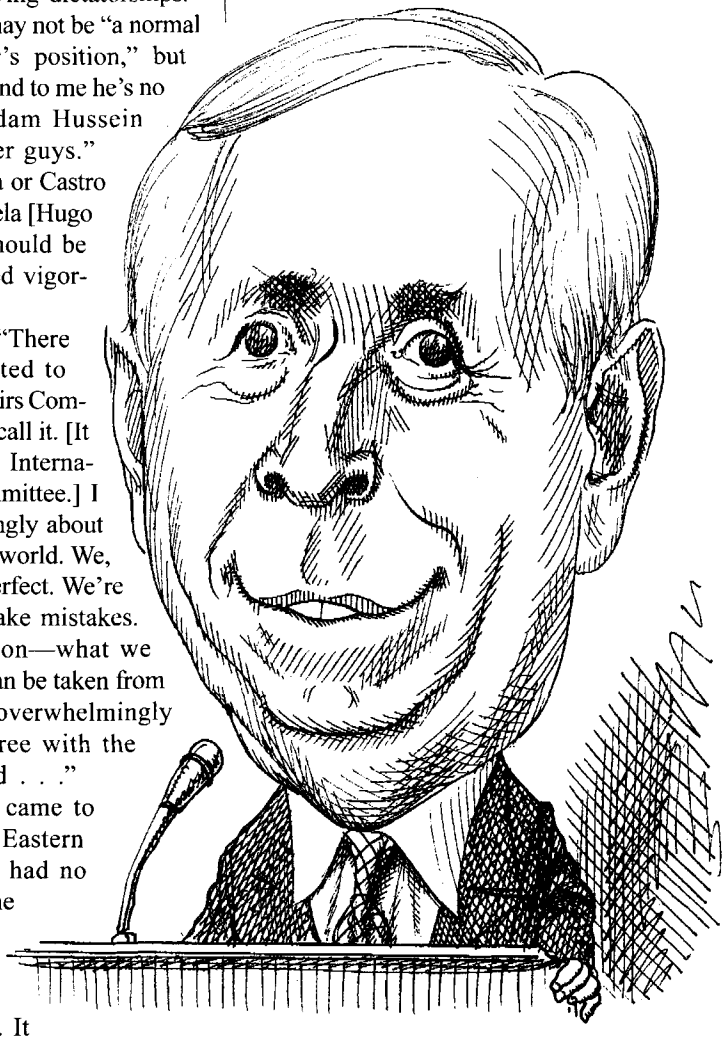
About his leadership in foreign policy, he says, "I have always felt strongly about democracy. We should promote basic freedom in the world. I have throughout my career been consistent in opposing both right-wing and left-wing dictatorships." Sticking it to Castro may not be "a normal Democratic member's position," but "Castro is a dictator, and to me he's no different from Saddam Hussein or any of those other guys." Whether "it's Somoza or Castro or that jerk in Venezuela [Hugo Chávez], dictators should be opposed, and opposed vigorously."

Continues Engel, "There was a reason I wanted to be on the Foreign Affairs Committee, as we used to call it. [It was rechristened the International Relations Committee.] I have always felt strongly about America's role in the world. We, as a country, aren't perfect. We're all human, we all make mistakes. But I think our vision—what we want to share, what can be taken from our experience—is overwhelmingly positive. I don't agree with the Blame America crowd . . ."

Engel's forebears came to these shores from Eastern Europe, where they had no picnic—but that is the ancestry of many Americans, and doesn't quite explain Engel's commitment. It is probably a matter of simple moral understanding. Two years ago, interviewing the Diaz-Balart brothers, I asked about Democratic allies, in the area of Cuban human rights. Leaving aside Rep. Robert Menendez, from New Jersey—himself a Cuban American—they named three: Engel, Ackerman, and Lantos. They could go no further.

The Tom Lantos story is fairly well known: Fought in the underground against the Nazis, as a teenager; lived in a Wallenberg safe house. He takes up arms throughout the world, speaking for the Kurds, before it was popular, crying against the selection of Beijing for the Olympic Games. He is the type of Democrat—rare almost to the point of nonexistence—willing to stand with Tom DeLay against persecutors.

Chris Smith is legendary in the human-rights community, for his sheer energy and reliability. Says Lincoln Diaz-Balart, "He is incredible in terms of



ROMAN GENN

*Rep. Frank Wolf (R., Va.)*



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Professor Gary W. Gallagher is the author of several books and dozens of scholarly articles, most recently *The Confederate War* (Harvard University Press, 1997). He is the John L. Nau III Professor in the History of the American Civil War at the University of Virginia.

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conscience, fighting for justice everywhere, always." Smith entered politics from the right-to-life movement, and is vigilant about the individual human being. No case is too small for him to act on: this Chinese poet in some dungeon; that Ukrainian girl enslaved in a Balkan brothel.

As for Chris Cox, his thinking about human rights goes back at least to the Carter administration, "when we mistakenly pressed human rights only when it came to our friends; Ronald Reagan upped the ante, pressing our enemies as well." Both Carter and Reagan stood in contrast to "the 'pragmatic' approach of the Nixon-Ford administrations, when we averted our eyes . . ." Cox is a rare bird: an intellectual, a politician, and an activist, simultaneously. A Russianist, he for years published an English-language version of *Pravda*, a paper whose name—"Truth"—symbolized the screwy evil of the totalitarian world. Cox is also one of Washington's leading authorities on China.

Frank Wolf? He was elected to Congress in 1980, and four years later—at the urging of his "best friend in the House," Tony Hall, an Ohio Democrat—went to Ethiopia. There he saw the hungry die, in the terror-famine engineered by Colonel Mengistu and that Leninist regime. It was "a transforming experience," he says. The next year, along with Hall and Chris Smith, he went to Romania, where "people put notes in our hands, telling us their husband was in jail, or their wife was in jail." When they returned, the three sought to strip Ceausescu's Romania of its Most Favored Nation status; eventually, they succeeded, President Reagan defying the business community, and many in his own administration. Wolf had given him a copy of *Red Horizons*, by Ion Mihai Pacepa, the Romanian intelligence defector. (Today, Pacepa contributes to National Review Online. Funny old world.)

Sometimes in the company of either Smith or Hall—the latter is now U.S. ambassador to the U.N. Agencies for Food and Agriculture in Rome—Wolf traveled to gulags both Soviet and Chinese, and to Congo, Sierra Leone, and Sudan. In a real feat, "I snuck into Tibet about five years ago, where they persecute religious people, where it's against the law to have a picture of the Dalai Lama, where . . ." He wants to meet with Cuban dissidents, but has not been able to penetrate that island. "Chris [Smith] and I have a request to go"—Castro has not granted it. "He'll allow you in if you're for lifting the embargo, but not if you're not, and Chris and I are not." Castro has denounced them as "provocateurs." In a way, they are.

Explaining his ascension to the role of human-rights champion, Wolf says "the combination of my faith and what I saw and did [abroad] has sort of driven me." The Bible has much to say about "the oppressed, and oppressors."

Sizing up Congress's human-rights lineup, you might think the Republican party is superior to the Democratic. Is it so? Says Wolf, "I want to say yes, but the truth is no. I hate to say it, but I don't think either party now is doing as much on human rights as it could." Chris Cox agrees, that one party is not purer than the other. He notes that it's easy to devote attention to a particular country, against which you have a particular grievance—and a politically helpful one. But rare is the congressman "who's willing to act across the board." Says Eliot Engel, "If I take a few steps back—and I've been in Congress for 17 years now—I see that the Democrats are guilty of closing their eyes to the excesses of left-wing dictatorships, and I think Republicans do the same with right-wing dictatorships. There are a few of us who really don't care," tyranny being tyranny.

**Sizing up Congress's human-rights lineup, you might think the Republican party is superior to the Democratic. Is it so?**

The Senate is not without some human-rights talent: Republicans Jon Kyl of Arizona and Sam Brownback of Kansas are probably the leaders. But the House has the stronger cohort. In the everyday whirl of foreign policy and politics, they don't take their eye off "the boys in the camps." The language is Bukovsky's; he would appreciate them. **NR**

■ **EUROPE**

# Yelling Stop

## Geert Wilders, who lives in a prison, tries to save Holland

ANDREW STUTTAFORD

HOLLAND was once known for its freedom, not its fanatics. It was seen as a kindly oasis in an unkind world, famous as a fair, broadminded country, a tolerant land where anyone could speak his mind without fear of retribution or the midnight knock on the door. Not now. Not after the assassination in 2002 of Pim Fortuyn, an outspoken opponent of Holland's ruling multicultural orthodoxy. That wild, extravagant aristocrat was demonized by the political establishment, denied (some say) proper police protection, and, finally, gunned down in the street. Tolerant? Not after the slaughter in Amsterdam last November of another heretic, Theo van Gogh, filmmaker, gadfly, and controversialist, shot, stabbed, and butchered like a sacrificial animal for daring to attack Muslim fundamentalism. Free? No, not really. Not anymore.

In the days after van Gogh's murder, the Dutch government at last began to act. To lose one public figure might have been unlucky; to have lost another looked like carelessness. Ayaan Hirsi Ali and Geert Wilders, two members of parliament loathed by Holland's Islamic extremists, were whisked off to heavily guarded safe houses. In February, the Somalian-born Hirsi Ali emerged to complain that the authorities appeared incapable of making permanent arrangements for Wilders's and her security. It turned out that she had been camped out in a naval base. As for Wilders, a fortysomething MP from the southeast of the country, well, he had been housed in a location that could only have been picked by

**Mr. Stuttaford is a contributing editor of National Review Online.**



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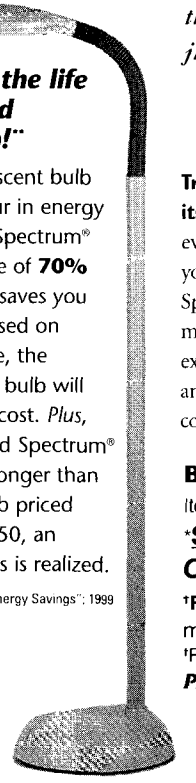

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someone with no sense of irony or, perhaps, with too much. He's been living in a prison: to be precise, the jail within a jail where the Lockerbie bombers once awaited their trial. Those who threaten him remain outside, free to do their worst.

Stoic Dutchman that he is, Wilders doesn't like to grumble. "I have to make the best of it," he told me in a recent interview. "I have a kind of living room, which is quite okay. On either side, there are the cells where the two Libyans were held. In one cell I have my clothing . . . In the other cell there is my bed." The prison is, "of course, a terrible place," but his hosts have done what they can. "They put some lamps in and a TV," small consolation, I suspect, for a life under siege.

We were chatting, not in the prison, but over coffee in a small, cramped office tucked away at the end of a long corridor somewhere in the depths of the building that houses the Dutch parliament in The Hague. A number of bodyguards sat nearby. Outside, it was a bright, brisk early spring morning, freshened by a North Sea breeze, the slightly surprising quiet punctuated mainly by the cries of the occasional seagull. The Hague looked its best, the understated capital of the timeless, civilized Holland of popular imagination, souvenir shops crammed with its symbols, Delftware, windmills, tulips, clogs, and *Sint-Niklaas*. Inside, Wilders, symbol of Holland's new, more uncomfortable reality, describes the way that he is now kept alive.

*Geert Wilders*

The death threats, which, needless to say, include that latest cliché of a resurgent barbarism, calls for his beheading, are relentless, increasing, and chilling. "I would be lying if I said I was never afraid." In an age of freelance jihad, even those rants that consist, probably, of little more than Internet bravado have to be taken seriously as possible incitements for someone somewhere to reach for knife and gun. The result is a life under constant guard, a "crazy, tough" life, a life with little privacy and less spontaneity, a life punctuated by visits to the police "five or six times a week," a life where Wilders, in short, no longer feels free. It is almost impossible to see friends. Dining out occasionally is "better than eating in prison every evening," but with a number of guards in tow, it is, inevitably, a "circus," something, he explains, smiling, that can remove the romance from an evening out with his wife. "You have to whisper, or everyone from security can hear."

Somehow Wilders has retained his sense of humor. A wry, thoughtful, somewhat intense man, he can still manage a laugh at the absurdities of his predicament. It's only the occasional nervous gesture or the fleeting traces of tension that sometimes cross his face that betray a hint of the appalling pressure with which he has to cope. At the same time he obviously relishes the remarkable challenge he faces in attempting to build up a new political organization (Wilders broke with his old party, the free-market VVD, in September 2004), a difficult enough task under any circumstances, let alone those under which he now has to operate. No matter: "I have a lot of adrenalin going through my veins."

Wilders's new political group has, he believes, "a lot of possibilities." Like most politicians, he is ambitious, "I'm not there yet . . . but I'm on my way." It's clear that he has sensed that the unease now enveloping the Netherlands could be his route to the top. As we chat, he proudly prints out new poll findings showing that the "Wilders Group" could expect to win around 10 percent of seats in the Dutch parliament's lower house.

It would be a mistake, though, to see Wilders as an opportunist cashing in on the current turmoil: His opposition to Holland's seemingly perpetual soft-left consensus, stifling corporatism, and multiculturalist muddle can be traced back at least a decade, to his time as a speechwriter for Frits Bolkestein, the then VVD leader, who was one of the first to sound the alarm over the country's failure to integrate its Muslim minority, a minority that is now about a million strong (out of a total population of a little over 16 million). Wilders himself went on to flourish within the VVD, rising to become its foreign-affairs spokesman. His departure from the party—the catalyst was his opposition to any invitation to Turkey to join the EU—might indeed turn out to be a shrewd move, but equally it could be nothing more than a leap into the wilderness.

His background in mainstream politics means, however, that Wilders is no outsider, and thus, unlike Fortuyn or van Gogh, he is not easy to caricature as a crank, a fascist, a racist, or a joker. He's a pro, one of the grownups, respected (if not exactly universally loved) in parliament. Yes, it's true that, despite his extraordinary hairdo, a pompadour in Billy Idol peroxide, Wilders doesn't have the eccentric charisma of his two murdered predecessors: He has neither the extraordinary camp élan of Fortuyn nor the bad-boy charm of van Gogh (who never stood for elective office), but he more than makes up for this with a résumé that means that he has to be taken seriously.

And that's exactly what he wants. During the course of the interview, Wilders is at pains to distinguish himself from Jean-Marie Le Pen and others on the darker side of the European "Right." He is, he says, simply a "Tocquevillian conservative," but a glance at his recent manifesto (the somewhat bombastically named "Declaration of Independence") reveals a more complex mix, an eclectic blend of small-government conservatism, Atlanticism, free-market liberalism, Euroskepticism, and populism. But, above all,

DARREN GYGI



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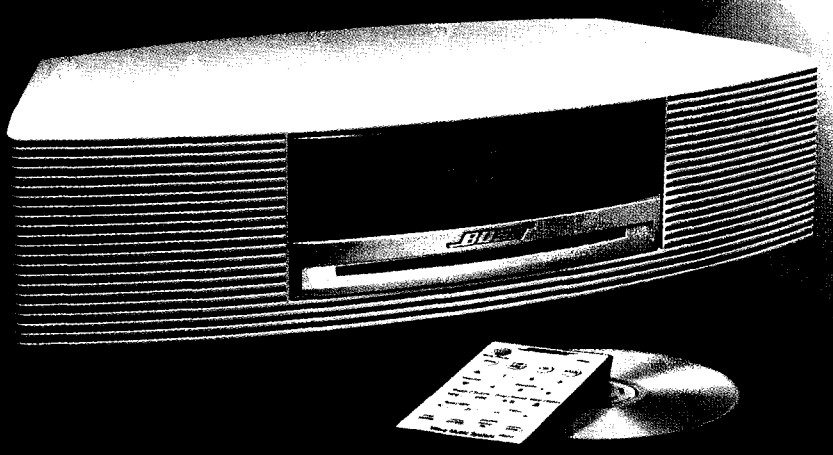

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Wilders will be judged by his response to Holland's failed and feckless experiment in multiculturalism. Sometimes this is subtle: He likes to connect the dots between the increasingly intrusive federalism of the EU and the dangerous consequences of the enfeebled sense of national identity within its member states. Sometimes it is not. Wilders is unapologetic in proclaiming the superiority of Western values. He is not, as he puts it, a "cultural relativist." In an era of PC platitudes, Wilders can be bracingly blunt: "I don't believe in a European Islam, in a moderate Islam . . . Islam and democracy are incompatible." He is careful, however, to draw "a distinction between the religion and the people . . . Islam and democracy are incompatible, but Muslims and democracy *are* compatible." Trying to change Islam is, in his view, a hopeless task; trying to win over its followers in the Netherlands is not.

To achieve this, he is recommending a program that features carrots and, unusually for Holland, sticks. It includes a five-year moratorium on immigration from "non-Western" countries, deportation of dual nationals convicted of criminal offenses, extra public spending to aid in the assimilation process, the closing down of extremist mosques, and preventive detention of some of those in the small hard core ("a few hundred") reasonably believed to be planning terrorist attacks. Saving lives must, Wilders believes, come ahead of extending the full protection of Dutch law to those who would overthrow it. And no, he concedes, "this is not an easy concept." Indeed, it isn't.

Talking to Wilders, I was left with the impression of a work in progress, of a man still trying to think through the full ramifications both of the complex and threatening situation now facing his country and of the remedies he is proposing to resolve it. He does not have all the answers, and some of those he has may well be wrong, perhaps very wrong. But to his credit, Wilders is at least asking the right questions, something that few in Holland have been brave enough to attempt before. And, no, this stubborn, determined, man is not going to give up anytime soon. "That's what the people who threaten me want me to do." NR

■ THE LAW

# Trial by Human Beings

## The jury system and its discontents

THEODORE DALRYMPLE

THE jury system presupposes an optimistic view of mankind: It presupposes that most citizens of normal intelligence can put aside their prejudices and preoccupations, at least for the duration of a trial, and render a true verdict on an accused (or a plaintiff) according to the evidence laid before them. In other words, jurors will put their legal duty before every other consideration.

The jury system also presupposes a high general level of trust in the legal system itself, and in the legitimacy of society as it is at present constituted. Where punishments are cruel or excessive, as they were under England's Bloody Code (according to which there were over 200 capital offenses, some of them trivial), juries refuse to convict, and undue severity becomes the handmaiden of impunity.

Where the legitimacy of society is low, as in Czarist Russia, juries may refuse to convict because of sympathy for the undoubtedly guilty person who is accused. When the revolutionary Vera Zasulich shot and wounded the police chief of St. Petersburg, General Trepov, in 1876, supposedly in revenge for police abuses, the jury refused to convict her though the evidence against her could not have been stronger; this hastened the demise of jury trial in Russia, then only a few years old as an institution.

In America, the excessive efforts of lawyers to produce juries that they believe will be sympathetic to their cases have long undermined the philosophical justification for jury trials in the first place. Lawyers assume that people are incapable of distancing themselves from their own private opinions, and that there can be no willing suspension, not of disbelief, but of preconceptions. The American mind is thus assumed to be thoroughly Balkanized into mutually hostile ideological enclaves, the underlying beliefs of which are completely proof against the onslaughts of contrary evidence. Unfortunately, such an attitude becomes a self-fulfilling prophecy, and the black art of jury selection is now, if not the key to, at least a very important component of successful advocacy.

Two recent reports demonstrate the current ills of, and loss of faith in, the jury system. A former prosecutor in Alameda County, Calif., John R. Quatman, alleged, during a habeas corpus application for a man on death row, that prosecutors in Alameda County had deliberately excluded Jews and black women from juries: Jews because they were believed to be opposed to the death penalty, and black women because they were believed to be sympathetic to the accused—all, as it were, ex officio. This exclusion of Jews and black women, it was alleged, threw doubt upon the fairness of the trials of the 44 death-row inmates in Alameda County, and even of the 640 such inmates in the whole of the state of California.

Meanwhile, in Colorado, a man has had his death sentence for raping and killing a waitress commuted to life imprisonment without parole because some of the jurors read the Bible—particularly Leviticus—during their deliberations on the death penalty. This was undue influence, the state supreme court justices held by a majority of 3 to 2.

What a tangled web jury trials have become! Let us grant that Jews and black women should not have been excluded from those California juries, that it was an infringement of the principle of equality of rights and responsibilities: Does it follow that the trials of the condemned men were unfair in any serious sense? Surely it does not, whether the stereotypes of Jews and black women in the minds of the prosecutors were accurate or not.

If the stereotypes were not accurate, there is no reason to believe that the verdicts would have been any different if juries had been selected that included Jews and black women. (I am assuming, of course, that the juries from which they were excluded nevertheless performed their duty to the best of their abilities. It is

**Mr. Dalrymple is the author of the forthcoming *Our Culture, What's Left of It: The Mandarins and the Masses*.**



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not alleged otherwise.)

If, on the other hand, the stereotypes were accurate, and for example "no Jew would vote to send a defendant to the gas chamber"—to quote the words of Alameda County judge Stanley Golde, himself a Jew who sentenced many murderers to death, and therefore a refutation of his own dictum—then including Jews and black women in the juries would not render the trial fairer, it would merely render it unfair in precisely the opposite direction. A fair trial involves fairness to the prosecution as well as to the defense. Thus, those who hold that the absence of stereotypically merciful Jews and black women from the juries rendered the capital trials in Alameda County unfair are in fact denying the possibility of a fair jury trial at all, under any circumstances whatsoever. And if there cannot be a fair jury trial, no particular unfairness of a jury trial can be objectionable. Unfairness is in fact the best we can hope for: Indeed, we might as well have trial by ordeal.

It might be argued that it is better for an unfair trial to be merciful than for it to be punitive: though better for whom? The proposition that it is preferable for a murderer to go free than for him to be executed is at the very least a doubtful one, from which many, probably most, people dissent.

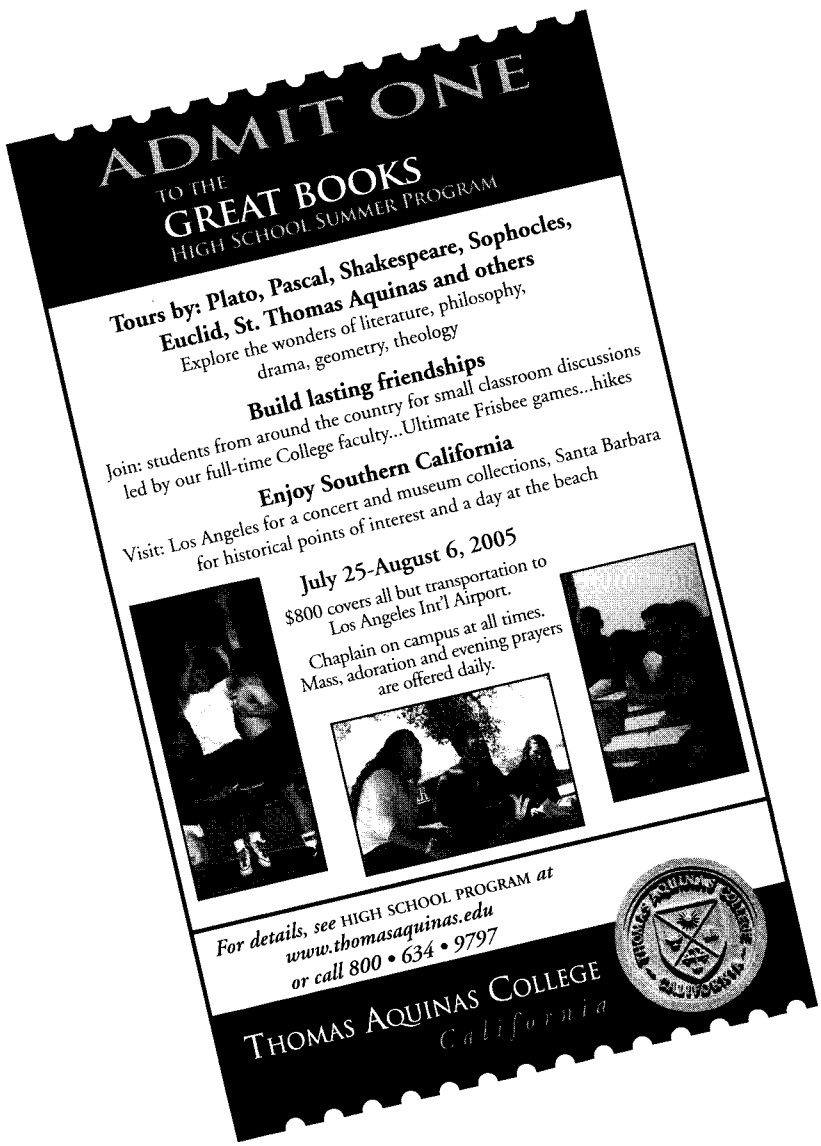
In theory, the Supreme Court has forbidden the exclusion of jurors on the grounds of race and religion, but it is difficult to believe that lawyers do not use these as sociological markers for beliefs that are either favorable or detrimental to their clients' cases. But even rejection of jurors without reference to their race or religion, on the grounds of their past and present beliefs, is a denial of the possibility of juror objectivity. It is like saying that a doctor who dislikes a certain patient will prescribe only poison for him, or fail to diagnose a fatal illness in someone whom he likes.

The assault on juror objectivity is, at bottom, a consequence of the dehumanization of man by sociological determinism. It is an assault, if not quite on the possibility of rationality itself (for all such assaults are, in the end, self-contradictory, since they require rational arguments for their acceptance), at least an assault on the possibility of the rationality of the common man. It is an implicit acceptance of Marx's famous dictum that it is not consciousness that determines man's being, but on the contrary, his social being that determines consciousness. In other words, you are destined to think the thoughts of the people who are born into the station into which it has pleased God (if He existed) to call you. A Jew thinks a Jew's thoughts, a black woman a black woman's, and so forth.

Needless to say, some rather superior people manage mysteriously to escape this iron law of sociological determinism, among them Marx himself. His thoughts are not those of an emancipated bourgeois Jew from Trier, that every emancipated bourgeois Jew from Trier thinks (his father, for example, thought differently), but universal truths.

Transposed to the legal system, the belief in a few superior souls who are by virtue of a mysterious personal essence capable of arriving at the truth without interference from their position in the social system would argue for trial by judges alone, provided that the two classes of person—the judges and the people capable independently of arriving at the truth without interference from their position in the social system—could be made to coincide. But who coincides the coinciders? It is the glory of the jury system that such demigods are unnecessary.

No doubt Marx's dictum is true as a rough sociological generalization. It is untrue as an epistemological one, however; and it is an empirical fact that the more you treat people as merely instances of a group, the more they come to resemble the stereotype of that group. And, as the history of the Balkans demonstrates, Balkanization of minds can lead only to endless, fruitless, and brutal conflict. **NR**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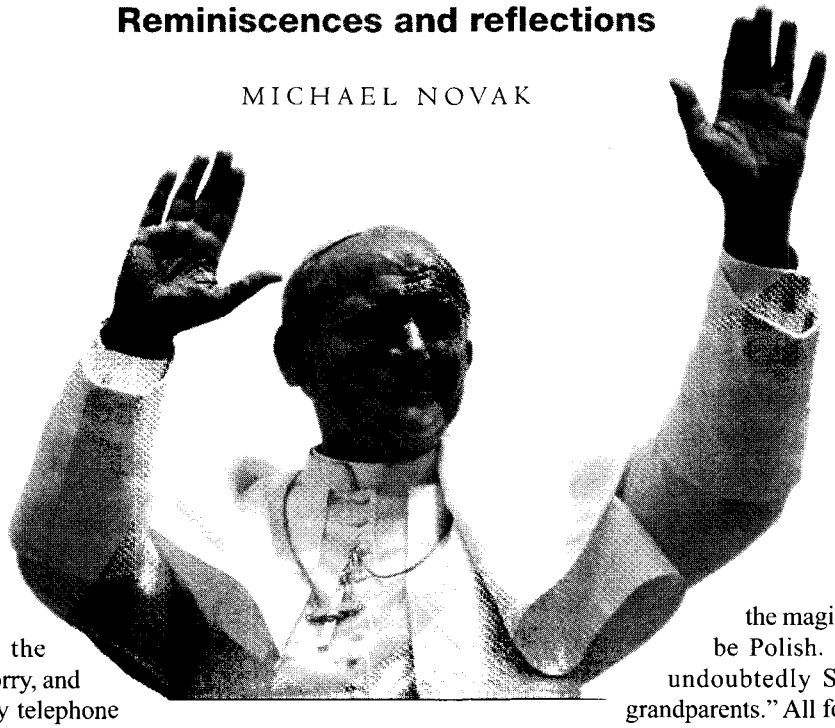
# John Paul The Great

## Reminiscences and reflections

MICHAEL NOVAK



As our great Pope is buried, I feel sorry for the Polish people most of all—sorry, and joyous with them. Today, my telephone correspondents in Poland tell me, they feel like orphans. *Papa Wojtyla* has been such a Protector to them, such a shelter, such a tower of strength at their side and at their rear and in their forefront. Someone told me during the week my father died that losing a father is like having a big tree on the edge of the forest come down, and feeling the wind upon one's own face. The Poles feel like that today. So do we all.

Karol Wojtyla was born three or four hours by car from the villages across the border in Slovakia where all four of my grandparents were born. He told me once that he had gone skiing not far from those villages in the Tatra mountains that are shared by Poland and Slovakia. And, actually, I first met the Pope when he came to consecrate Saints Cyril and Methodius, the new Slovak cathedral in Toronto.

He once kidded me: You *say* you are Slovak, but you are really Polish. Coming from him, that was a high compliment. Still, I felt plain genetics obliged me to argue against him. "By the magisterium," I said, "I may be Polish. But by genetics I am undoubtedly Slovak, from all four grandparents." All four of whom were born within a few kilometers of one another in central Slovakia.

Then, that summer, visiting the family villages, I discovered a plaque on the nearby castle's inner wall (the castle for whose noble owner my great-grandfather had been game warden in the nearby forest). It announced that the eleven counties of that district had belonged to Poland for nearly 300 years after about 1450 (as I now retain the date). Laughing aloud, I wrote to the Pope to apologize. That darn infallibility again!

To the best of my knowledge, we at *Crisis* magazine early on were the first to put the name "John Paul the Great" in print, and new editor Deal Hudson emblazoned it on the front cover in 1997. We had been reading about how Leo the Great (440-461) and Gregory the Great (590-604)—and only they—had won that sobriquet: in Leo's case, by turning back the barbarians from Rome; in Gregory's, by setting in motion gigantic reform movements in the Catholic Church that lasted hundreds of years—some of them still in effect. After undermining the Berlin Wall, and before anyone else encouraging the reunification of what had once been Christian Europe, Pope John Paul II clearly qualified. Besides, his fresh and invigorating interpretation of Vatican Council II, and his huge output of original, deep, and

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**Mr. Novak, a resident scholar at the American Enterprise Institute, is the author most recently of *The Universal Hunger for Liberty: Why the Clash of Civilizations Is Not Inevitable.***



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# Judging Charter Schools

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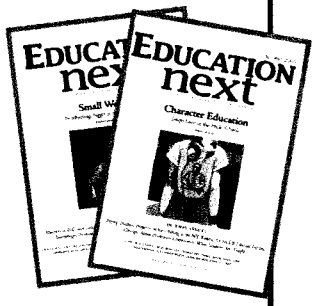


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Are charter schools succeeding or failing? The answer depends on which study—and which newspaper—you read. If you rely on the *New York Times*—almost never a good thing to do on this topic—you might conclude that U.S. charter schools are a disaster area. If you read the *Denver Post,* you'll see that Colorado charter schools are outperforming that state's district-operated public schools. *USA Today* reports "mixed results," and the *Washington Post* focuses on the difficulty of making reliable comparisons.

What to believe? I have been watching, studying, and reading about charter schools since the birth of this idea fourteen years ago. Here are my five (current) conclusions:

1. **There is no dispute about the charter school movement's growth to 3,300 schools enrolling close to a million children.**

2. There is little disagreement about charters' popularity with parents anxious to get their kids out of failing, heedless, and frequently dangerous district schools but too poor to afford private schools. Many charters have waiting lists; but for arbitrary caps and fiscal constraints imposed by their political foes, there'd be many more of them attended by many more youngsters.

3. The old allegation that charters would "cream" the ablest kids from the most fortunate homes turns out to be dead wrong. They enroll, on average, more poor and minority youngsters than nearby district schools, and many of their pupils arrive with dreadful academic records or having already dropped out. It turns out that's *why* they enroll: their parents are desperate.

4. Putting the word "charter" over a schoolhouse door assures neither success nor failure. These schools are astoundingly diverse. Some are the highest-performing schools in town. Others are total messes. At the end of the day, what makes the good ones succeed is akin to what makes good public (and private) schools succeed: effective leadership, a clear and focused mission, a dedicated team of competent adults, high expectations for all students combined with plenty of individual attention, and so on. What the charter designation does is create the opportunity to build such schools with less bureaucratic (and teacher union) hassle.

5. **What we most want to know about charter schools isn't how they are currently performing against fixed standards but how much their students learn while enrolled in them.** Some people call this the "academic value added" by the school itself. Yet despite the myriad of dueling studies, there's virtually no data yet that speak to the value-added question, nor can it be answered by the comparisons that newspaper articles focus on.

It is not just that better research is needed. The reason not to be swayed by the current crop of studies is that, while some are done by honest scholars, many are the work of interest groups with political agendas—and all of their results are being used for political ends. It is way too early to pronounce the charter movement a success or failure. But surely it's an experiment worth continuing—and studying.

—Chester E. Finn Jr.

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*Chester E. Finn Jr. is a senior fellow at the Hoover Institution; chairman of Hoover's Koret Task Force on K-12 Education; and president of the Thomas B. Fordham Foundation.*

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penetrating letters-to-the-world (encyclicals), maybe overqualified him. That is without even mentioning the huge new Catechism, the first in 450 years, his worldwide travels, his prayers with leaders of every other faith, his expressions of sorrow for the past sins of all Catholics as a body, and other visible signs of greatness of soul. Thus, it warmed my heart to hear of the words of the Vatican secretary of state, Angelo Cardinal Sodano, at the solemn Mass following the Pope's death, referring to the Pope as John Paul the Great.

## FRIEND OF FREEDOM

Another link to the Pope was forged when a representative of the trade union Solidarity came to my office to ask permission to translate my 1982 book *The Spirit of Democratic Capitalism* into Polish. I said yes enthusiastically, then added: "But I will have to charge royalties." The young man's face fell, until I added: "You must promise to send one copy to the Pope, and one to me." He broke into a grin. "The first will be easy," he said. "The second will take longer." By 1984 and 1985 the book was appearing in an illegal samizdat edition. Only years later did I learn that the four branches of Solidarity divided on whether they could afford the risk—a socialist labor union publishing an illegal book, with "capitalism" in the title. By one vote, the tie was broken, and the book came out. That explained how after 1989 the term "democratic capitalism" was voiced so often from Free Poland. My copy of the book—a miniature edition—is my most precious possession.

One night in the autumn of 1991 I was invited to have dinner with the Holy Father. It would be difficult to describe my excitement. I think I barely said a word at dinner, set for just five of us, as I recall: the Pope, his two secretaries, my Italian friend Rocco Buttiglione, and me. Rocco and I were planning a seminar on the free society, to help bring young Americans and Eastern Europeans together. He had been a friend of Karol Wojtyla for years, ever since their mutual philosophical work in Poland, well before the young bishop/philosopher was elected Pope. Rocco and the Pope did most of the talking—and joshing—that evening. The Pope did ask me what I would recommend as the best way to help the millions of poor whom he had just seen in Latin America. I don't recall his being terribly convinced by my three points, telegraphically put forth. They had much to do with micro-enterprises, and changing education and the law to favor the starting of many small businesses. (Today I note with pleasure that, for instance, India and China between them have raised more than half a billion people out of poverty since 1980. So it can be done, where enterprise is permitted and rewarded.)

I do recall praising the Pope for the good words he had put into his recent letter-to-the-world, *Centesimus Annus*. As we were leaving, he told me he liked very much the article of mine that had been translated in the Polish Catholic paper *Tygodnik Powszechny* just that week. It had been translated from my lecture in London, on the theme of the shift in the Pope's understanding of "capital" from *Laborem Exercens* (1981) and the 1991 letter ten years later. You understand my thought very well, he said generously—words that have warmed my heart ever since, in many a cold and difficult season.

In *Laborem Exercens*, he linked capital solely to *things*, to matter. In *Centesimus Annus* he pointed to the capital fostered *within* the human subject: human capital, in the form of knowledge, know-how, invention, and other fruitful economic habits. The virtues he listed are not unlike the habits Max Weber had pointed out in *The Protestant Ethic*, but with a new, original emphasis upon the creativity of the human person, made in the image of the Creator. A neat emphasis for a Pope living so near the Michelangelo ceiling of the Sistine chapel.

From many more meetings with the Pope, I have the impression that he was skeptical about my hopes for a creativity-informed and law-abiding capitalism, but interested. He and his secretaries used to press me quite hard, and test me and my friends, on this and other issues. We used to have lunch or dinner with him, not every year, maybe an extra time or two in a given blessed year, and nearly always on his days off, when there was a little more time and he had on his calendar no one more important or long-ago-scheduled.

One learned always to come with a good joke or funny story to share with him. Once someone brought one about Pope John XXIII's being asked how many people work in the Vatican. John XXIII reputedly answered, "About half." On hearing this, one of John Paul II's secretaries pointed to the other as the non-worker, and the other pointed to him. The Pope laughed with everybody else.

One learned always to come with a good joke or funny story to share with him.

Another time one of the Americans asked him whether he knew what people in Poland were saying was his favorite joke. His eyes were quizzical. "You were asked, they say, What is the solution to the Polish crisis? There were 39 parties in the next month's election, including 'the Beer Drinkers party,' and cynicism was rising, so you are said to have replied: 'There are only two solutions to the Polish crisis, the realistic solution and the miraculous solution.' Then you added: 'The realistic solution is: if the Lady of Czestochowa should suddenly appear, with Jesus and all the saints, and solve the Polish crisis. The miraculous solution is: if the Poles learn to cooperate.'" It is fair to say that the Pope enjoyed quips and ironies of many sorts, including this one.

## HEALING THE BREACHES

We learned some important things from him, as well—for instance, of his eagerness to end religious divisions of many sorts. Long before we heard any Western leader mention it, we learned from him and Jozef Tomko—the Slovak cardinal who was in the early days always at his side, and served as prefect of the Congregation for the Evangelization of Peoples (Propagation



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# A Homeland for the Palestinians?

## Why they? How about all those others?

The need and justification of a "Palestinian homeland" has been repeated so often and so insistently that people all over the world have come to accept it as an inevitability. That "homeland," it is generally agreed, would consist of the Gaza Strip and most of Judea/Samaria, generally referred to as the "West Bank." Even many good people in the U.S. and even our president, a well-intentioned man, advocate a "homeland," a Palestinian state, at the end of the so-called "road map."

### What are the facts?

**An unwarranted request.** There is no such thing as a "Palestinian people." That is a concept that, by the drumbeat of incessant propaganda, has been foisted on the world. The so-called Palestinians are the same Arabs that live in Syria, Jordan and Lebanon. Never at any time in history did the "Palestinians" have a homeland, nor did they ever demand one.

In 1947, the United Nations General Assembly voted to set up both a Jewish and an Arab state within the borders of the territories. The Arabs were allotted three contiguous areas and the enclave of the city of Jaffa. The Jews were allotted three discontiguous areas. Jerusalem was to be an international city. In order to get their homeland, the Jews reluctantly accepted the unfavorable deal. The Arabs rejected it out of hand and instead invaded the nascent Jewish state with the armies of six nations. The ragtag Jewish forces decisively defeated the aggressors and stayed in control of most of the area. Egypt retained control of the Gaza Strip, and Jordan occupied Judea/Samaria (the "West Bank"). Had the Arabs accepted the United Nations partition plan, they would have had their "Palestinian homeland" for almost 60 years. They spurned the opportunity when it was available to them.

> "...an independent homeland for the Palestinians is unwarranted because the Palestinians are not a distinct people... and because its creation... would be an existential threat to Israel."

For nineteen years, until the Six-Day War, the territories involved were under the control of Jordan and Egypt. Never during those years was there ever a demand for a "Palestinian homeland." Only after the Six-Day War in 1967, when the territories reverted to Israeli control, did the insistent clamor for a "Palestinian homeland" arise.

Although the Israelis would probably be glad to get rid of those bothersome and rebellious people, it is regrettably not that simple. The declared goal of the Arabs, a goal never rescinded, is the destruction of Israel. Were they granted an independent state, it would geographically and strategically dominate all of Israel. Within a very short time, this "Palestinian homeland" would be bristling with the most advanced weaponry, in all likelihood including weapons of mass destruction. Arab armies would be invited to participate in what they would hope to be the final onslaught against Israel and against the hated Jews.

**How about other nationalities that yearn for a homeland, for their own state?** There are first of all the Basques, the vast majority of whom live in the northwestern region of Spain. They are a unique people, with a language and a culture that has no relationship to anything else in the world. They have been fighting to become liberated. But Spain – most vociferous in the promotion of a "Palestinian homeland" – refuses that. An independent Basque homeland would not endanger Spain in any way. But does the world, does the UN support the Basques in their quest for independence? Of course not!

Or take the Kurds. They are a distinct group. They live in a land that is part of Iraq, Iran, Turkey, Syria, and Armenia. They have been fighting for independence for centuries, but it has never been granted. An independent Kurdestan would not endanger the countries that now occupy it. But does the world, does the UN support the Kurds in their quest for independence? Of course not!

And then there are the Tibetans. They are a distinct people, unique in language and religion. They have been annexed by China, which has flooded the country with its "settlers." The Chinese are fully in the process of making Tibet into an integral part of China. Clearly, an independent Tibet would not be any existential threat to China. But does the world, does the UN support the Tibetans in their quest for independence? Of course not!

The quest for an independent homeland for the Palestinians is unwarranted because the Palestinians are not a distinct people which never had or even claimed such a homeland, and because the creation of such a homeland would be an existential threat to Israel. Both the world and especially the Europeans don't really care about self-determination – they don't lose any sleep over the Basques, the Kurds, the Tibetans or others who yearn for a homeland. They care about their own political and economic interests, which they cloak in the language of political morality. And of course, there are quite a few who wouldn't shed a tear if, at the end of the day, Israel were indeed wiped from the face of the earth.

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of the Faith)—of the alarming tide of Muslim violence in Africa, directed at missionary outposts and Christian churches. Tomko was quietly cynical about the failure of the Western press to cover this "war" and its dreadful toll of innocent victims. The Pope was concerned to get Muslim and Christian relations on a new footing.

He also very much wanted to heal the millennium-long breach between the Eastern Church—Constantinople and Moscow—and the Roman Catholic Church. He did everything he could think of to arrange travels to meet with every Eastern Patriarch who would see him. He especially longed to go to Moscow, and hoped Putin would help arrange it; alas, it never happened. Having seen the urgency the Pope felt about his duty to do this—a thousand years of separation is enough, someone at the table said—I have imagined a disappointed Pope telling St. Peter the other day how miffed he was not to have been given a little more time to accomplish it. (Of course, the Pope would have trusted God to accomplish what needs to be done in His own time.)

The Holy Father also wanted to put relations between Catholics and Jews on a better plane than they have ever been before, and—through many, many initiatives—he did. And he certainly made it a point on every one of his travels to meet with all other religious leaders of a country or region, not simply Catholic leaders and the Catholic people.

**Young people loved the confidence he had in them. Almost no one else today shows that same confidence in them.**

It is not so widely known that hardly any of the bishops of the world were eager to take responsibility for World Youth Days, one of the favorite inventions of the Pope. They all said, in effect, that the youth of their country were too jaded to turn out for anything "churchy." For rock stars, maybe, but for a Pope? Not in their nation. The Pope kept insisting. The bishops warned of failure and embarrassment. The Pope kept saying, "Be not afraid." They kept being afraid. In the event, more than half a million, sometimes over a million, young people turned up in every preselected city, prayed, slept under the sky, laughed with the Pope, showed their love for him, and received his love, and his challenge. They then policed and cleaned up their own meeting grounds before the local ground crews even showed up, and made citizens who had dreaded and feared the whole event marvel at the exemplary behavior that is coming over young people today.

The main way in which modern liberals differ from the Pope is this: When they find moral standards onerous or often not lived up to, their instinct is to dumb the standards down, to lower the bars, or even to remove the standards altogether. Their tendency is also to indulge in the bigotry of low expectations. Some of them follow Oscar Wilde's maxim, that the best way to get rid of temptation is simply to give in to it. They then call formerly immoral acts high signs of a new and superior morality. (The only sin some recognize seems to be being on the right.) In contrast, John Paul II, who knew the young, knew also that the old standards are hard to meet, and that the bars are still as high as they always have been. But he told young people and the rest of us: Be not afraid. Take a run at them. You can clear them. Ask the Lord for help.

It is no wonder that those who experienced his faith in them, his confidence in them, his love for them, desired to try hard to take a run at those high bars. Young people loved the confidence he had in them. Almost no one else today shows that same confidence in them.

John Paul II expected the best of the entire West. He roused us from our slumbers. He showed how much a few brave and determined souls could do—Walesa and his friends in Poland, Havel and Father Halík in the Czech lands, Sharansky and the other dissidents in Russia—in order to achieve the "impossible." And he brought tens of millions of new recruits for freedom and responsibility to their side.

Some critics say that the Pope "failed" to bring the Catholic Church into "modernity" on such matters as easy divorce, homosexual acts and homosexual marriages, contraceptive love, free sex, and other sexual and gender tics of the wealthier, less Christian, increasingly pagan, and even Christophobic lands. The *Washington Post* published an especially stupid version of this charge on the day after his death. But such critics confuse "modernity" with the least noble practices of the ironically named "progressives" of Europe and America. The truth is that such people are a diminishing breed, committing demographic suicide, and exhibiting ever more passionate self-hatred regarding their own civilization. Such practices do not point to the future, but to terminal decadence.

Besides, there are already Christian churches (all of them losing members rapidly) that are willing to surrender to modernity. Why on earth would a self-confident Catholic Church, even in its own recognized sinfulness, wish to do so? The Catholic Church has grown by about 45 percent since John Paul II became Pope, growing 160 percent in Africa and nearly doubling in size in Asia. Moreover, the Catholic groups, religious orders, and individual dioceses that model themselves most closely on his vision of a confident, unafraid Christian humanism of the future are growing rapidly in numbers and high morale.

The most important thing John Paul II gave both to the world (including, but not limited to, the political world) and also to the Church is new confidence in our own capacities, especially our capacities for self-government, for liberty and responsibility, and for making human life better and more worthy of human possibilities and higher standards. It is not a small thing, to teach people: "Be not afraid."

Pope John Paul II pointed the way to a new civilization of love. Real, serious, self-sacrificing, other-centered, unselfish love. The kind he showed, right to his final day. Adieu, our dear, dear friend! Our greatest inspiration in a very long time. "Praised be Jesus Christ!" as you would have said yourself. **NR**



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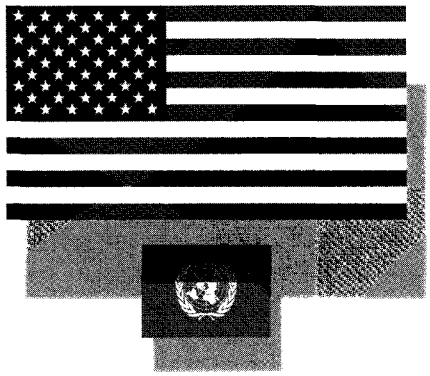
# US Meddling In Global AIDS Crisis: "A Triumph of Ideology Over Science."



Intravenous drug use accounts for the majority of HIV cases in China, Iran, Afghanistan, Nepal, the Baltic states, and all of Central Asia, as well as much of Southeast Asia and South America. In Russia, where there are now more cases of HIV than in North America, as many as 80% of infections are attributed to injection drug use.[1]

"A large body of scientific evidence suggests that the free provision of clean needles curbs the spread of AIDS among drug users without increasing rates of addiction," said the US Surgeon General.[2] Needle exchanges have been endorsed by the AMA, the American Public Health Association, the National Academy of Sciences and the World Health Organization.

Despite these ringing recommendations, the State Department just sent a blunt message to the UN office responsible for drug education saying essentially: Shut up about needle exchanges or lose funding. Since the US is one of the major donors to the UN Office on Drugs and Crime, the UN quickly folded. All references to harm reduction approaches are being deleted.[3]

The New York Times summed it up: "Washington's antipathy toward needle exchanges is a triumph of ideology over science, logic and compassion. The United States should help pay for these important programs. If it cannot bring itself to do so, it should at least allow the rest of the world to get on with saving millions of lives."[4]

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1. Human Rights Watch, "U.S. Gag on Needle Exchange Harms U.N. AIDS Efforts 2. US Surgeon General Dr. David Schacter, HHS 2000
3. The Observer, Feb 6, 2005, "US Cash Threat to AIDS War" 4. New York Times editorial, 2-26-05

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■ COVER STORY II

# Warm Cold Warrior

## The Pope against the Soviet Empire

JOHN O'SULLIVAN

WHERE were you when Karol Wojtyla was elected pope? The question is not a flippant one because if you remember, you may also recall what a very different world you were living in. The differences went far beyond bell-bottom trousers and those curious male hairstyles that looked like melting helmets. Our assumptions about the world had been set by events such as OPEC's oil-price hikes, the conquest of South Vietnam by the North, the sudden presence in several African countries of Cuban troops, and the "stagflation" that was enfeebling Western economies. It definitely seemed like—in Cyril Connolly's phrase—"closing time in the gardens of the West," which was reeling under attacks from Communist guerrillas, oil monopolists, and Middle Eastern terrorists. Soviet leaders and theoreticians speculated confidently that the international "correlation of forces" had shifted against the West decisively. What realist would then have thought that a pope—*a pope!*—could make a difference to these decisions by the God of Historical Inevitability?

Not me, I will confess. As it happens I saw the emergence of Pope John Paul II on a television set in a Hong Kong hotel. If I was slow to recognize that something of great historical significance had happened, that was perhaps because of the drama of the previous pope's election and sudden death. Italian friends had told me he was a strong anti-Communist. His death suggested that even that slender source of resistance to the general European drift leftward had been removed by fate.

Also, I was in the middle of a month-long visit to Asia, which then seemed to be the preserve of non-Christian faiths. Rome was far away. What I noticed mainly was how nations like Thailand were gradually shifting their political orientation. A tourist guide in Bangkok fed me the official line: Thailand, which had historically maneuvered to retain its independence from European colonists, now had to reflect the U.S. defeat in Vietnam by shifting toward Hanoi and Peking. Visits to Burma—a ramshackle and corrupt leftist military dictatorship—and Taiwan demonstrated the clear superiority of free-market capitalism over Asian socialism. But would Asia be allowed to choose freely? Or would Communist China draw all into its economic and political sphere of influence?

When I arrived back in London, I found great excitement about the new pope. But it was a curiously apolitical (and even areligious) excitement. The very fact that he was a vigorous and active prelate—he was rumored to ski—seemed to be the basis of his popularity. The additional fact that he was Polish was then felt to be as much a threat to the Vatican's Italian bureaucracy as to the Kremlin.

In almost all other respects nothing seemed to have changed. The intellectual and moral atmosphere of the West was exhausted and defeatist. This was the age of "malaise"—no, Jimmy Carter never used the phrase; he didn't need to; he embodied it—and of "limits to growth." We were about to run out of every raw material our industries used, except for those we might be allowed to buy at sky-high prices from vengeful Third World monopolies. Either way, we would have to accept a steady reduction of our standard of living. Living in these reduced circumstances, the U.S. would necessarily have to abandon its "inordinate fear of Communism" and learn to live with Brezhnevism.

In Europe the latest political fashions were similar: "Ostpolitik" in Germany and "Euro-Communism" in Spain and Italy. The first meant accommodating to the permanence of Soviet rule in central and eastern Europe. Progressive politicians such as Willy Brandt (and, as we now know, Gerhard Schroeder) accepted that these regimes enjoyed significant popular support and thus legitimacy; as declassified Soviet archives have shown, they even came to see the Communist regimes as political allies against a resurgent Right. "Euro-Communism" was the domestic equivalent. It meant accepting the legitimacy of Leninist parties as democratic contenders for power and even partners in a coalition government. (Such parties actually entered government in France and Spain, but too late in the geopolitical cycle to matter. By then the "correlation of forces" had—surprise!—shifted against them.)

Even the Catholic Church had been flirting with Marxism in various ways. "Christian-Marxist" dialogues were scattered through European academia with bishops' support; liberation theology and "guerrilla priests" were thought to be flourishing in Latin America; the Italian episcopate supported the *aperture a sinistra* in Italian politics that gave the Christian Democrats permission to form progressive coalitions; and the "preference for the poor" adopted by Latin American churchmen was misinterpreted to suggest support for socialist and protectionist economic policies. Not much came of these initiatives, but they diffused a general impression that the Church had made its peace with the Kremlin and was increasingly hostile to something called capitalism.

The pattern of Western decline was first disrupted and ultimately disproved in Poland. The Pope's visit to Poland revealed that the USSR's satellites enjoyed no popular legitimacy: They were puppet regimes hated by their subject populations. But Pope John Paul went further. He demystified the *power* of those regimes. With his words, his presence, and his injunction not to feel afraid, the Pope was for a while the real government of Poland. The official government faded into the background. And though in later years it cracked down with martial law against the independent Solidarity trade union that the Pope had helped to inspire, it never again had the moral self-confidence to rule by brute force and to reestablish the social fear that had been its postwar foundation.

Eastern Europe as a whole saw this phenomenon and acted accordingly. In retrospect one can now see that during the 1980s



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# *Pssst...* The Vast Right-Wing CATHOLIC Conspiracy Is Headquartered in Berkeley

Hillary Clinton said there's a Vast Right-Wing Conspiracy out to get the liberals. Well, we hope so.

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Meanwhile, liberal nay-saying Catholics, who haven't had an innovative idea since the Sixties, sit in their overstuffed tenured chairs, their bureaucratic sinecures, and their gourmet restaurants. And they're greying and balding — getting puffy and flabby just like their "Catholic" hero Ted Kennedy.

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the anti-Communist dissidents were growing in courage and daring, and the Communist apparatchiks were calculating how much they could safely impose on their now resistant subjects and how much they could salvage of their power. A senior Hungarian party official told me in 1985 how the Hungarian Communists would hold multi-party elections, lose power, transform themselves into a post-Communist socialist party, and win power again democratically at some future election. Hundreds of such apparatchiks were making similar calculations throughout the Soviet bloc—and the Pope's visit to Poland was the root cause.

Thus, the geopolitical atmosphere that Thatcher and Reagan discovered on their respective elections in 1979 and 1980 was subtly different from that of only months before. The Soviet bloc was in trouble. The West's economic recovery and the U.S. military buildup were still required to break the power of the USSR, but the subjects of Soviet power were now active and useful allies in that struggle. Reagan sent supplies to Solidarity; Thatcher visited the Gdansk shipyard; and the Pope continued to encourage the people to hope—until in 1989 Eastern Europe turned hope into practice. If the Soviets had succeeded in assassinating the Pope in 1981, they might have delayed this outcome. But the demystification of Communist power and the awakening of "people's power" were too fundamental to be altogether halted. And what worked those fundamental revolutions was not the material supplies that the Pope, Reagan, and Thatcher quietly directed to the Solidarity resistance—helpful though they undoubtedly were—but the public inspiration that they provided in their speeches invoking freedom.

This turnaround in the major postwar struggle between the USSR and the Free World revolutionized all other international relationships. The Pope was an observer of many of these developments—but a close one because he visited almost every country in the world. In part as a result, most Christians now live below the Equator, in Asia, Africa, and Latin America. Asian Christianity—including in China—is now expanding almost as fast as Asian capitalism. The Pope developed a more sophisticated understanding of capitalism as a result. Leftist critics have concentrated on his strong condemnations of materialist consumerism—and these were both trenchant and necessary. But he also preached that capitalist entrepreneurship was a vital form of human creativity and that its free expression required a free economy as well as a free polity. This was radically different from the "corporatism" of earlier popes—and from "liberation theology," which shriveled during his papacy. Two years ago I sat again in front of a television set—this time in Hanoi—watching an Asian business-news program in which the First Minister of Singapore quoted Mrs. Thatcher to the effect that hard work, education, and enterprise were the only sure route to economic success.

Pope John Paul II began this process in 1978 by liberating the spirit of Poland. Reagan and Thatcher applied his spiritual lesson of freedom to politics and economic life. The Pope then adapted Church doctrine on economics to the results of those experiments. Now it is up to the next pope to get the Catholic Church to respond to the new world of Christian freedom that is arising in the old mission territories—and sending back missionaries, as well as textiles and computers, to the West. **NR**

■ **COVER STORY III**

# The Pope as Pole

## What he did for his country; what his country did for him

RADEK SIKORSKI

POLAND'S mourning for John Paul II is special, as might be expected: All the newspapers are framed in black, every shopping mall is closed, and not a single TV station is daring to run commercials. Poland has lost not just a pope, but a national redeemer, the person who led us out of Soviet captivity and across the Red Sea into the land of liberty and democracy.

Normally a cantankerous lot, Poles rally around about once a generation, and then their enthusiasm becomes overwhelming. The last time was when, under the Pope's influence, they organized Solidarity, the first free trade union in the Communist world. The Pope's death has brought them together again in sadness, but also out of gratitude, that Providence gave them this man to begin with. As the poet Czeslaw Milosz observed, in the depths of our humiliation, we got a king that we had always dreamed of.

Quite rightly, we've been hearing these last several days about what the Pope did for Poland. What's less discussed, but equally interesting, is what Poland did for this pontificate, how important the Pope's Polishness was to the way he discharged his office.

His critics had no doubt his Polishness was a factor: The Pope's philosophy supposedly stemmed from his roots in a backward, patriarchal, authoritarian country with a reactionary church hierarchy preserved by Communism in a Counter-Reformation time warp. I was shocked to hear the BBC follow this line minutes after John Paul II's heart stopped beating. Throughout the pontificate, some of the criticisms were suffused with a strain of ethnic prejudice that would have been considered racist if the Pope had been, say, a Nigerian. In Britain, God's personal enemy, Richard Dawkins, mocked Paul Johnson for "taking his orders from an elderly Pole," as if it were any worse to be an elderly Pole rather than a clapped-out Englishman like him. A British biographer was left "fascinated and appalled" by the "Polish interlude" in the Church's history. Predictably, *The Nation* has called John Paul II a "Polish authoritarian" who "galvanized the international right wing" and "destroyed the careers of activist Catholic leaders who challenged U.S. military and business interests." Several years ago, editor Andrew Sullivan of *The New Republic* feared that the Pope's teaching might harm liberal society: "If you doubt this, visit Poland."

Calling him a Polish pope, in the sense of bringing a specifically

**Mr. Sikorski is the executive director of the New Atlantic Initiative at the American Enterprise Institute, and the former deputy foreign minister of Poland.**



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Polish perspective into the papacy, is correct but not in the way that critics imagine. The Poland in which Karol Wojtyla ascended the steps of his ecclesiastical career was indeed ruled by authoritarian, even totalitarian regimes: Nazi Germany first, and then the Soviet-imposed Communist government. Yet he was their heroic opponent, so it is unfair to tar him with that particular brush. In fact, it was his experience of living under two tyrannies that probably explains his frequent and passionate pleas for respecting human rights. And while Poland is still poor, it is a secure democracy with social attitudes comparable to those of Italy or the U.S.

No, John Paul II's Polishness was reflected more subtly in his emotional sense of history. His passionate pronouncements in behalf of multi-ethnic Sarajevo, besieged by the Orthodox Serbs, is partly explained by historical memories that go back 300 years: Any Pole knows that Orthodox Russia destroyed the multi-ethnic Polish-Lithuanian Commonwealth in the 18th century. On the other hand, would any but a Slav pope have sent ten cardinals to the celebrations of the millennium of Kievan Rus's Christianity in 1988? Would any other have supported so steadfastly the underground church in Lithuania, or the Uniate Catholics in Ukraine? Nor is his sensibility merely European: Look, for example, at the way he tried to make his pilgrimage to Cuba a similar awakening to what he had done in Poland 20 years before.

As someone who spent the war so close to Auschwitz he could smell it, and lost personal friends—both Polish Catholics and Polish Jews—during the German occupation, he was only naturally committed to reconciliation with Judaism. It took a Pole from Kraków on the throne of St. Peter for a pope to visit Auschwitz. In 1986, John Paul II became the first pope to visit a synagogue, and was later the first to pray at the Wailing Wall. But then, it had been he, already as a bishop, who argued at the Second Vatican Council that the doctrine of Jewish guilt for the crucifixion of Jesus be dumped.

Having spent three decades battling a Communist regime, this pope also knew the power of symbolic gestures. If you don't have any divisions to send in, solidarity with the victims may be the best weapon. The candles that simultaneously burned in the windows of his Vatican study, and of Ronald Reagan's White House, to grieve for Solidarity's suppression in December 1981, carried a more powerful message to the Kremlin than dozens of new missile silos. The few million dollars sent via Vatican accounts to Solidarity's underground cells were hardly significant as material support, but shored up the freedom fighters' morale. As we now know from the Mitrokhin archive and other sources, the Soviets were terrified of him.

He was also an early master of applying "people power." In the 1950s, Polish Stalinists had built an ideal Communist town called Nowa Huta. The healthy influence of a working-class town was supposed to dilute the conservatism of the ancient city of Kraków nearby. As a model Communist development, it was designed without a church, but the planners had not reckoned with Bishop Wojtyla. He supported crowds in guarding a wooden cross around which they prayed under open skies until the authorities gave in and allowed a church to be built. It was ready to be consecrated just as he arrived on his first pilgrimage as Pope.

The Pope's Polish experience—of rule by two godless ideologies, of war, of genocide, of poverty and revolution—chimed with the experience of most of the world's Catholics. They do not, after all, live in the pampered West. It was his experience of the transitory nature of regimes, power, and wealth in his native land that reinforced his insistence on the personal, rather than collective or state-directed, pursuit of goodness. After all, for most of three centuries, remaining personally decent while nasty regimes came and went was all that the average Pole could hope for.

His Polishness also inspired the Pope's solidarity (a word that cropped up very often in his homilies) with the world's underdogs. Hence his condemnation of apartheid, his visit to the leper colony in the Ivory Coast, and his meal with the Vatican's tramps. Even his pronouncements on international relations—his passionate belief that lasting peace can only be built on justice—may stem from his perceptions of the history of Poland, repeatedly the victim of realpolitik played by more powerful neighbors. "If you want peace, remember man," was one of his favorite maxims. Hence his advocacy of the Bosnians, the "wandering Palestinians," and the Kurds.

**It took a Pole from Kraków on the throne of St. Peter for a pope to visit Auschwitz.**

You have to be a Central European to appreciate the poignancy of a meeting between two elderly Poles at the Vatican in February 2001. Pope John Paul II was receiving my boss at the time, Poland's foreign minister, Wladyslaw Bartoszewski. Bartoszewski—an Auschwitz survivor, an inmate of Communist jails, an honorary citizen of Israel for his role in saving Jews during the war—had been summoned to offer his advice on John Paul II's forthcoming trip to Ukraine, the first ever by this pope, or any other. Ukraine's Christians had recognized Rome in the 16th century at the time of the Polish-Lithuanian Commonwealth, which included most of today's Ukraine. Centuries of persecution under both czarist and Communist Russia followed. Now a Polish pope was consorting with a Polish foreign minister on how a papal comeback could return Ukraine to the Western fold.

The Ukrainian trip, in June 2001, was a smashing success and three years later Ukraine had its own democratic revolution. Most of Victor Yushchenko's support came from John Paul II's flock in Western Ukraine. It was no coincidence. What the Pope's critics don't seem to comprehend is that before people demand democracy and social rights, they have to gain faith in their own human dignity. John Paul II's confidence in the inalienability of certain rights was a spiritual rock on which whole peoples rebuilt that faith.

One of the Pope's greatest regrets, on the other hand, was that Russia chose to be the only historically Christian country that never let him set foot on its soil. Given the direction in which the country is going, perhaps Russian authorities knew all too well why they barred him. **NR**



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■ THE SCHIAVO CASE

# Reasons to Live

## The rational case against euthanasia

RAMESH PONNURU

You could be forgiven for forgetting, during the recent drama about Terri Schiavo, that assisted suicide is illegal in Florida—as it is in every state but Oregon. Commentators on the Schiavo case discussed whether a life like the one she had over the last 15 years is worth living or whether bringing about her death would be the right thing to do. They asked what her preferences were, or would be now. They debated whether Florida law was wise to give her husband Michael Schiavo the right to make the life-or-death decision.

But Florida law doesn't recognize Mrs. Schiavo's right to kill herself, let alone her husband's right to make that choice for her. If she had (miraculously) recovered enough faculties to have been able to beg a physician to give her a lethal injection, and had done so, her wish could not legally have been granted. If she had recovered her faculties and then refused to eat or drink, the response of her caregivers would almost certainly have been to try to talk her into changing her mind.

Florida law allows patients to turn down medical treatments and, when they cannot make medical decisions, designates others to decide for them. Turning down treatment can, of course, cause the patient to die. The decision to turn down treatment may even be made with the precise intention of causing death, as was the case with Michael Schiavo's decision.

Yet Florida does not allow assisted suicide. Why does the state allow patients to die the potentially agonizing death of starvation but not receive a quick, painless lethal injection? That question was frequently asked, for various polemical purposes, during the Schiavo controversy.

One possible answer to the question is that the law is simply inconsistent. Floridians, like most people, have muddled views on medical ethics. For some emotional or esthetic reason, they prefer that death be accomplished by starvation. Perhaps starvation preserves the illusion that the patient is merely being "allowed to die," while a lethal injection would dispel it.

It is possible, however, to take a different view that makes almost complete sense of the law. There are many reasons a patient might wish to decline certain medical treatments (or a husband might wish to decline treatments for his incapacitated wife). Perhaps the treatment would involve pain. Perhaps the patient would rather spend her final days at home among loved ones, even if those days would number more in a hospital. Nobody believes that these are illegitimate choices or that the law should prevent them from being made. Nobody believes that there is any moral imperative to do everything possible to extend a person's lifespan—although such was the heat of the Schiavo debate that pro-lifers were sometimes unfairly accused of holding something like that view.

### LIVES 'NOT WORTH LIVING'

If the law allows a patient to decline treatment, it will have to allow him to decline treatment even when he is declining it solely for the purpose of hastening or causing his own death. In the case of incapacitated patients, it will have to allow the decision-maker to decline treatment even if the decision-maker's intent is to bring about the patient's death. The legislature, in allowing such scenarios to take place legally, is not prospectively blessing these "choices for death" (to use liberal legal theorist Ronald Dworkin's approving phrase). Otherwise, it would repeal or relax the laws against suicide and assisted suicide. It is, rather, viewing these choices as abuses that must be tolerated in order to achieve the good of letting people make medical decisions for themselves and their family members.

The difficulty here is that the Supreme Court in 1990 defined food and water as a medical treatment, and required that all states allow patients to turn it down (or allow their surrogates to turn it down for them). Florida law follows the Court's ruling. But in almost every case, the only reason to disconnect an incapacitated patient from a feeding and hydration tube will be to cause that patient's death. The law, on this point, really is muddled. The Court seems to have taken the nation a half-step toward assisted suicide without quite realizing what it was doing—because, again, if it did realize what it was doing, there would be no reason to allow state bans on assisted suicide.

For those who favor euthanasia, then, the next step is clear. The Schiavo controversy has revealed widespread support for the notion that some lives are so terrible that they should be ended. It would not be surprising if in the next few months and years there were moves for other states to follow Oregon's lead and legalize assisted suicide.

The path ahead for opponents of euthanasia is less clear. Oddly, the Schiavo controversy drew almost no attention to the principled case against euthanasia. This is not only, or even mostly, the fault of the media. Pro-lifers hardly made the case themselves. In a way, this failure was understandable. For political and legal reasons, it made a kind of tactical sense for those who wanted to keep feeding Terri Schiavo to deny that she was in a "persistent vegetative state"—but in denying that, pro-lifers let the notion that it is acceptable for people who are in that state to be starved to death slide right by. It made tactical sense to question whether Mrs. Schiavo really would have wanted to die this way—but in asking it, pro-lifers failed to challenge the notion that it is acceptable to kill those who wish to be killed.

The concept of the "sanctity of life" was a spectral presence in the debate, never given a rational form. So it was easy for people to fall into the assumption that it was an essentially religious concept. Proponents of feeding Mrs. Schiavo were, by and large, Christians, and Christian conservatives at that. They often claimed, or implied, that they were doing God's will. Resisting euthanasia thus came to be seen as somehow theocratic, and certainly irrational. Pro-lifers were "emot[ing] with bug-eyed religiosity," the *Financial Times* calmly opined. Hendrik Hertzberg called them "Christianists" in *The New Yorker*, comparing them to bin Laden.



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Yet this view turns matters upside down. There is a perfectly rational case against euthanasia. The case *for* it, on the other hand, almost inescapably rests on what might be described as a kind of irrational spirituality.

The case against starts with the idea that human beings have inherent worth and dignity, and therefore are equal in fundamental rights, simply by virtue of being human—a premise that, when it is brought to bear on other issues, is usually not rejected as religious in its origin. If that premise is true, then these rights cannot depend on particular qualities that some human beings have and others do not. The right to life has to be among these rights, which means that it cannot depend on race, or age, or health, or sex. It cannot depend even on whether the person who has it wants it: He doesn't cease to be a human being with the full complement of rights simply because he wants to die. (It is because the right is intrinsic to human beings that it is also inalienable, as our Founders, who were not theocrats, put it.)

If all human beings do not possess basic rights simply because we are human beings, on the other hand, then it must be the case that some human beings have them because of qualities they, in particular, have. So, for example, we could hold that only human beings with the immediately exercisable capacity for abstract mental functioning have the right not to be killed—which would make it possible for us to allow abortion, research that destroys human embryos, and euthanasia of the permanently comatose or persistently vegetative. But since the capacity for abstract mental functioning varies continuously, we will have to both identify a non-arbitrary minimum level it is necessary to have to possess rights and explain why people who have more of that quality should not be regarded as greater in worth and dignity than people who have less of it. It is impossible to do either.

Thus it ends up being impossible to confine the category of lives deemed unworthy of protection to the unborn and the persistently vegetative—impossible not just practically, but in principle. We have seen how this works at the beginning of life: Whether our criterion is the ability to reason, self-awareness, or the capacity to experience pain, newborn infants do not differ from late-term fetuses. Pro-choicers who find Peter Singer's advocacy of infanticide repulsive cannot come up with a persuasive argument for why he is wrong. He differs from them only in his willingness to embrace the logical consequences of the premises he joins them in affirming.

## FAILURES OF LOGIC

For the law to allow people to take innocent human lives—even their own—is necessarily for it to regard some lives as not worth living. This is perhaps especially the case when the law restricts the "right" to commit suicide to specific categories of people, such as the severely disabled and ill. As bioethics writer Eric Cohen noted in *The Weekly Standard*, at least one Florida appeals court that considered the Schiavo case made this move without even realizing it. It simply assumed that the only reason anyone—including Mrs. Schiavo herself, or rather the Mrs. Schiavo of the past looking at the situation—could want to keep the tube connected was the possibility that "a miracle would somehow recreate" her cerebrum. It assumed, that is, that Mrs. Schiavo would not have wanted to continue living indefinitely in a persistent vegetative state, because no one would. It was all right to end her life, that is, because it was, objectively, not a life worth living.

The common description of Mrs. Schiavo as "brain dead" is also worth noting at this point. Here is Christopher Hitchens, who used the Schiavo controversy as the occasion for another of his denunciations of "religious fanatics": "The end of the brain, or the replacement of the brain by a liquefied and shrunken void, is . . . if not the absolute end of 'life,' the unarguable conclusion of human life. It disqualifies the victim from any further say in human affairs." Mrs. Schiavo, he writes, was already Michael Schiavo's "ex-wife" before the tube was pulled. (I assume the echo of the dead-parrot routine is intended.)

Hitchens's statement, taken literally, is truer than he appears to realize. Most people accept brain-death as the criterion for death. But the prevailing standard has required the death of the whole brain, not just the cerebrum. If the cerebrum is gone, the higher mental functions are gone as well. But when the whole brain is gone, the body ceases to be able to direct and integrate its own functioning. At that point, there literally is no longer a living organism. Fudging the issue—treating the (contested) diagnosis of the liquefaction of Terri Schiavo's cerebrum as though it meant brain-death—is a way of moving the goalposts. Once that has been done, all kinds of consequences follow. As Wesley Smith has reported, some "bioethicists" have proposed taking usable organs from people in situations like Terri Schiavo's.

The argument—that allowing euthanasia violates a basic human right, denies the ground of human equality, and would also in principle require acceptance of evils that almost everyone can recognize as such—has only been sketched here. To be airtight, it would have to be elaborated, and defended against criticisms. (These things can be done.) The argument's conclusions correspond with the Judeo-Christian tradition. But it does not at any point rely on the premise that God is a Trinity, or that He even exists, or that the pope or the church can teach infallibly in moral matters.

## VOODOO BIOETHICS

It is remarkable, however, how often the argument *for* euthanasia seems to depend on a kind of superstition: on a dualism that separates a person from his body. This dualism holds a person, understood as a consciousness, to be important and worth protecting, but does not so hold the physical organism that this person merely "inhabits." The person is the "ghost in the machine" or, to use Anna Quindlen's more recent metaphor, the tune in the music box. Libertarian commentator Glenn Reynolds took this valorization of the willing, desiring self pretty far: "If Terri Schiavo's desire is to die, then in fact, you're making her into a non-person by not following it." *Not* to kill her was to destroy her personhood because it was to disregard her will.

This dualism facilitates the denial of a right to life in cases where there is no reasoning, conscious self—as in abortion and the euthanasia of the "vegetative." As such, it is open to the same egalitarian objections mentioned earlier. But it is also untenable. It contradicts everyday experience: We sense and perceive, which are clearly bodily actions, but also engage in conceptual thoughts, which cannot be reduced to bodily actions; and it is clearly the same subject who does both types of things. The dualist refutes his idea in the act of uttering it.

During Terri Schiavo's last days, we heard, perhaps, too much



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about God, and not enough about justice. I say this not because I think that religious arguments about public policy are somehow inadmissible, or for that matter because I doubt that God wanted us not to kill Mrs. Schiavo. But this conviction of mine derives from my prior conviction that God wants us to do justice to one another. (Kant: "Suicide is not abominable because God forbids it; God forbids it because it is abominable.") To say that God wanted us to save Mrs. Schiavo from starvation, without explaining why justice required us to save her, was conclusory. And it had two negative consequences. The first was that our commentariat, all too eager to engage in hyperbolic arguments about theocracy, now had a perfect excuse to do so rather than to deal more directly with the ethical issues involved in the Schiavo case.

The second was that a conclusory religious argument to save Mrs. Schiavo opened the door to a sloppy religious argument to end her life. The argument here, which quickly became a favorite of the anti-tubists, was that Christian conservatives were behaving faithlessly by striving to keep Mrs. Schiavo from attaining her eternal reward. If they really believed in the next life, went the argument, they would not have gone to such lengths to prolong this one. They were guilty of theological hypocrisy.

This was an extremely careless argument. To begin with, plenty of Christian conservatives do not believe that everyone (or anyone) is guaranteed admission into Heaven. But the more important flaw in the argument is that it wholly ignores the distinction between not prolonging someone's life and deliberately ending it. Nobody involved in the Schiavo case argued that heroic measures must always be taken to prolong the lives of dying patients (which, incidentally, Mrs. Schiavo was not until the tube was disconnected). Everyone, if asked, would have to concede that it could sometimes be permissible to take someone off life support, even when death was a predictable consequence of that action—if, for example, the patient preferred to die at home rather than in a treatment center. Nobody, with the possible exception of the DEA, opposes the use of pain medication to relieve suffering in every case where its use risks causing the patient's death. The claim that pro-lifers are "absolutists" on life cannot survive even cursory examination.

What pro-lifers opposed was an action, removing the tube, that not only resulted in death *but the entire point of which was to cause death*. To pretend that this distinction did not exist was to beg the question, short-circuiting the charge of hypocrisy. For if the action in question was an unjustified killing—and not a mere "allowing to die," as the popular euphemism had it—then surely it is obvious that Christians could not favor it on the theory that Heaven would be on the other side of it. Churches would then, to be truly consistent, have to fund death squads to usher even more people into paradise. Liberals who do not understand this point should imagine what their reaction would be if someone had said to Martin Luther King Jr., "Why are you carrying on about justice? If you really believe that the world has been redeemed by the Lord, what's the point?"

People die every day, and people get killed every day. The Schiavo case was a tragedy not because the government failed to stop it from happening, but because it directed it to happen—with the apparent support of most Americans. The danger is not that the slope is slippery, but that we have already slid too far down it. **NR**

■ **THE SCHIAVO CASE II**

# Death by Court Order

## What judges have wrought

ANDREW C. McCARTHY

THE death certificate for Theresa Marie Schiavo should record that she was killed by court order. The state courts flagrantly violated the democratically enacted laws of Florida—laws expressly intended to protect the incapacitated and vulnerable whenever there is doubt about their true condition or their desire to live. When the Congress and the president of the United States took extraordinary steps at the end to have the case reviewed, the federal courts haughtily ignored them.

The courts' overreaching began in 1990, the very year Terri Schiavo, then 26, was stricken. The Supreme Court that year decided the *Cruzan* case, which concerned another woman's tragedy. Here, the Court held both that the Fourteenth Amendment guaranteed a right to decline medical treatment, and that medical treatment included basic sustenance. Further, the Court held that a surrogate could exercise this right for people who (a) were in a "persistent vegetative state" (PVS) and (b) had convincingly expressed a desire not to be sustained if they ever reached that state.

Both tests were dangerously imprecise. PVS combines the total loss of higher cognitive functions with the persistence of rudimentary reflex responses. A person who is minimally conscious and responsive to stimuli is not in a PVS. Because the condition is so difficult to get a precise fix on, some experts peg its misdiagnosis rate as nearing one out of every two cases. The Court's standard for intent, meanwhile, did not require a reliable piece of writing, such as an authenticated will. Hearsay would do the trick.

States then had to draw up legislation to confine the obvious potential for abuse. In 1992, Florida enacted laws that followed *Cruzan* in placing the will of the individual above any concern for the intrinsic value of life. Those laws, however, insisted that before sustenance could be withdrawn it had to be reliably established that the individual had really wished it so. Whenever there was ambiguity about an incapacitated person's desires, Florida's courts were enjoined "to defend life"—to presume that the person wanted nourishment.

Other safeguards were enacted. PVS was tightly defined as a

Mr. McCarthy, a former federal prosecutor, is a senior fellow at the Foundation for the Defense of Democracies, and a contributor to National Review Online.



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"permanent and irreversible condition of unconsciousness" with no "voluntary action or cognitive behavior *of any kind*" (emphasis added). Two competent physicians had to diagnose PVS and say that there was no reasonable probability that the patient would improve. Surrogates for an incapacitated patient could cut off sustenance only after demonstrating that the stricken person would have so decided. As an additional safeguard, Florida law expressly prohibited judges from assuming the dual role of guardian of the patient. Finally, all these findings had to be proved with "clear and convincing evidence." This standard, although high for such civil cases, is much less demanding than the "beyond a reasonable doubt" standard that applies in criminal cases. Florida was thus opting to let judges put vulnerable, incapacitated patients to death more easily than they could send criminals to jail.

In Terri's case, the submitted evidence fell laughably short of inspiring a confident conclusion that the patient had much thought about whether—let alone decided that—she wanted to die if she ever became incapacitated. The contention that she was actually in a PVS was doubtful. She was finally killed by starvation and dehydration, over 13 excruciating days, only because the judges, in their imperious wisdom, decided that this was best for all concerned.

Terri also appeared to be responsive to stimuli, responsive to the presence of familiar persons (such as her parents), and capable of making noises. Experts debated whether these were indicative of minimal consciousness or mere reflex response. Definitive clarity might have been provided by functional magnetic-resonance imaging or positron-emission tomography scans, tests that nowadays are standard for deciphering the extent of brain damage. But Terri's legal guardian, Michael Schiavo, refused to have these tests done, relying on mere computer-aided tomography scans, which provide far less information.

If the evidence of PVS was equivocal, the proof that Terri wanted to die was ridiculous. At a 1992 civil trial—at which he was awarded over a million dollars in medical-malpractice damages (the lion's share as a trust for Terri's continued care)—Michael Schiavo not only never hinted that Terri had opted against being maintained if incapacity befell her, he actually told the jury that he was studying nursing to become a better caretaker because he fully expected his young wife to survive for her normal life span.

## A CONVENIENT RECOLLECTION

After the jury award, Schiavo suddenly remembered, some seven years after Terri had been stricken, a few offhand remarks his wife had purportedly made about not wishing to live if ever she became "a burden to anybody" or had to be maintained by "artificial" means. This was a prelude to his first energetic effort, in 1997, to have circuit-court judge George Greer of Pinellas County withdraw food and water from Terri. Her parents vigorously objected, and Judge Greer was moved to appoint as guardian *ad litem* an independent attorney, Richard Pearse.

Pearse found Michael's alleged recollections to fall well short of the "clear and convincing evidence" standard. Further, with Terri's appointed surrogate so palpably compromised—Michael was by now involved with another woman, and would eventually have two children with her—Pearse requested that he be authorized to continue to represent Terri.

Judge Greer, however, had plainly become convinced that Terri's life was not worth living. Neither a commonsense appraisal of Michael's sudden and self-interested memory, nor affirmation of that common sense by an independent attorney, nor laws passed by a mere legislature were going to stand in the way. Greer simply dispensed with the inconvenient Pearse. He decided to break the deadlock between Michael and Terri's parents by becoming Terri's caretaker himself. Greer decided that Michael's recollections gave Greer "a sufficient basis to make this decision [to die] for her." That decision would allow "her family members and loved ones to be free to continue their lives." Never mind that Terri's parents and siblings wanted to care for her, not "to continue their lives" by having her killed. But judges are kept out of the surrogate role precisely to keep


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- (V) **Otto Bettman:** *The Good Old Days: They Were Terrible* (55 min.)
- (W) **Groucho Marx:** *Fast Mind, Faster Mouth* (60 min.)
- (X) **Ludwig von Mises:** *Why Socialism Always Fails* (86 min.)
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them mindful of the question of the patient's intent, not of the yoke the patient's condition imposes on "family members and loved ones." And the law includes a presumption that doubtful cases be resolved in favor of a patient's life.

Terri's outraged parents, the Schindlers, immediately sought reconsideration. They proffered new evidence, including testimony from one of Michael's girlfriends establishing that he and Terri had never discussed end-of-life choices. This was exactly the type of new information the Supreme Court in *Cruzan* had cited as a valuable reason for erring on the side of life. Greer, however, held that the new evidence was untimely and declined to hear it.

The Schindlers won a delay of the order to withdraw food and water so that they could present new evidence. They immediately sought an independent medical examination, an independent guardian, and a new judge. Greer, seeing no conflict in reviewing a judicial decision that he had made—and made largely on the basis of his own caretaker decisions—peremptorily rejected these motions. The Schindlers then proffered additional new witnesses attacking Michael's recent alleged recollections regarding Terri's purported wish to die, and affidavits from a spate of independent experts that Terri was not in a PVS. Greer simply refused to hear the new witnesses regarding Terri's intentions because, in his view, they were not plausible.

The appellate court upheld Greer's refusal to hear evidence about Terri's wishes, but directed Greer to look into the new PVS evidence. In the process, however, the appellate court rewrote Florida law in a way that made the Schindlers' burden heavier. It directed that they would have to prove that there was realistic promise of "*increased* cognitive function" (emphasis added) that would so "significantly improve the quality of [Terri's] life" that she "would reverse the prior decision to withdraw life-prolonging procedures." Remember: If Terri had *any* cognitive function, she was not in a PVS as defined by Florida law. The demand that there be *increased* cognitive function to stave off death was thus highly inappropriate.

The resulting proceeding before Judge Greer was predictable. He sided with Michael Schiavo's experts, including a neurologist, Dr. Ronald Cranford, who doubles as a euthanasia activist, and who has written that he believes Alzheimer's patients to be so lacking in personhood as to merit death by starvation. Cranford had examined Terri for 45 minutes. Greer consequently rejected experts for the Schindlers, who relied on Terri's responsiveness during contact with her mother, among other familiar persons. The appeals court, contrary to the talking points of Michael Schiavo's right-to-die partisans, did not conduct a searching review of the record. It decided that it would reverse Greer only if it found a "gross abuse of discretion." It declined to find that abuse.

### TERRI'S LAW

As a result of this ruling, Terri's feeding tube was removed on October 15, 2003. Less than seven days into the two-week "natural death process," however, the Florida legislature, at Gov. Jeb Bush's urging, enacted "Terri's law." This emergency measure was a one-time reprieve, replacing the feeding tube so that an independent guardian *ad litem*, Dr. Jay Wolfson, could quickly investigate and report back to the governor and the court. The provision was eminently sensible given the dubious nature of the court proceedings. It also echoed the wise reasoning of a Florida supreme court from another era. In 1980, that tribunal explained that decisions to end life are so fraught with complexities of law, medical ethics, and social morality that they are not "well-suited for resolution in an adversary judicial proceeding," but better fitted for "the legislative forum, where fact finding can be less confined and the viewpoints of all interested institutions and disciplines can be presented and synthesized."

In late 2003, Wolfson reported that while the current weight of evidence suggested that Terri was in a PVS, additional testing to probe cognition as well as other therapy would be desirable. More significant, he concluded that the circumstances of the litigation had "compromised" the evidence, and that unless there were a "fresh" examination of the case, "Theresa will not be done justice." Wolfson recommended that his appointment be extended to protect Terri's interests through the conclusion of such a final resolution. The Florida courts responded with the insouciant hauteur that had by now become familiar: Wolfson was told his services were no longer needed, and Terri's law was held to be an unconstitutional invasion of judicial prerogatives.

President Bush and broad, bipartisan swaths of the Congress were outraged by the appallingly thin factual basis on which a helpless, brain-damaged woman was being put to death by court order.

Terri's starvation and dehydration commenced in earnest on March 18, 2005.

Like the political branches in Florida, however, President Bush and broad, bipartisan swaths of the Congress were outraged by the appallingly thin factual basis on which a helpless, brain-damaged woman was being put to death by court order. This record, it bears repeating, would have been laughed out of court had Terri Schiavo been a terrorist charged with mass homicide—presumed innocent and thus to be set free absent proof beyond a reasonable doubt by a unanimous jury of twelve after a full-blown trial with the assistance of counsel and copious layers of state and federal appellate review. Under the dire circumstances, Congress extended its recess adjournment to



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convene an extraordinary weekend session, passing emergency legislation in the wee hours of Monday morning, March 21. President Bush flew to Washington in the middle of the night to sign it.

The bill made no bones about what Congress and the president wanted. They wanted the feeding tube restored and the case thoroughly vetted. The new law directed the federal district court in Florida to "determine *de novo* any claim of a violation of any [federal] right of Theresa Marie Schiavo . . . notwithstanding any prior State court determination and regardless of whether such a claim has previously been raised, considered, or decided in State court proceedings." In short, Congress wanted those fighting for Terri's life to get what they had never gotten in Florida: an uninhibited opportunity to present all of the relevant evidence on issues of choice and PVS to a neutral court for determination of whether any right had been infringed.

Terri's case was assigned to federal district judge James D. Whittemore, who had spent a decade as a colleague of Greer and others on the state bench in Florida before President Clinton named him a federal judge in 2000. Whittemore could easily have read the emergency statute to imply a demand that Terri's tube be immediately replaced. He could have construed the law to require the *de novo* hearing Congress had prescribed, and then carefully deliberated on this matter of life and death. He chose not to.

Showing great deference to Judge Greer, Whittemore decided that he would not look into the basic facts of the case, but would rather assess Florida's laws and procedures. He decided those laws and procedures were apt to produce just results, and that any federal due-process concerns were thus assuaged—but did not bother investigating whether just results had actually been produced. And finding that the Schindlers' lawsuit was unlikely to succeed, Whittemore declined to order the reinsertion of the feeding tube.

A three-judge panel of the Eleventh Circuit promptly affirmed Judge Whittemore in a divided opinion. In a spirited dissent, however, Judge Charles R. Wilson (another Clinton appointee) pointed out that there was a ready avenue by which the court could accede to Congress's demand that a full, fresh evaluation of Terri's case be made. The so-called All Writs Act permits a court that has jurisdiction over a matter to issue orders in aid of that jurisdiction. So, for example, the court could issue an order to keep Terri alive long enough to ensure that the litigation was brought to a just end. The All Writs Act is a broad power that gives judges great discretion to do what they think justice requires. Only five months ago, a federal judge in the District of Columbia used it to order that American taxpayers provide lawyers to enemy combatants detained in Guantánamo Bay, Cuba. Terri Schiavo, of course, was not an al-Qaeda terrorist, but civil rights for America's enemies are a cause for America's academy, its media, and its courts. So is the "right to die."

But not, alas, the right to live. There would be no relief for Terri Schiavo. When the Schindlers sought rehearing before the entire Eleventh Circuit, Judge Wilson's contentions fell on deaf ears. If the courts—the state courts, the federal courts, the U.S. Supreme Court—had wanted to save her life, or merely to follow Florida law, she would be alive today. **NR**

■ **CAMPAIGN 2004**

# The Passion of Michael Moore

## Fun and games with *Fahrenheit 9/11*

BYRON YORK

EDITOR'S NOTE—*NATIONAL REVIEW White House correspondent Byron York's new book,* The Vast Left Wing Conspiracy, *details how MoveOn.org, George Soros, Michael Moore, 527 groups, Al Franken, and other Democratic activists built a powerful new network to attack President Bush and his initiatives. One of the key strategies of those activists in 2004 was the effort to create an impression in the public mind that there was a wave of anti-Bush anger sweeping the country, which would lead to the president's defeat in the November election. The following excerpt shows how Michael Moore—the radical filmmaker—tried to make that happen.*

In early August 2004, Karl Rove, President Bush's top political adviser, was having lunch with a small group of journalists at the Oval Room, a restaurant on Lafayette Square, across from the White House. The talk—off the record, unless Rove agreed to be quoted—was about strategy in the presidential race. Was Kerry's emphasis on his Vietnam record a mistake? Was Bush going to offer a full-scale defense of the war in Iraq? Would he push issues like Social Security reform? After the discussion touched on a number of heavy topics, I asked Rove what he thought of Michael Moore's blastingly anti-Bush movie, *Fahrenheit 9/11*. Had it had an effect on the presidential race?

"It's an artful piece of propaganda," Rove said.

Was that all? Had he seen the film?

"I plead guilty to violating the copyright laws of the United States by watching a bootleg DVD," Rove answered with a grin. "I refuse to enrich [Moore]," he added, giving the clear impression that he had a rather low opinion of the filmmaker.

With a little more prodding, Rove said he wasn't worried about the movie and did not see it playing a substantial role in the election. But he had watched it—at a time when some others on the White House staff were saying they would not see it. Rove was too careful a man, and his mind too wide-ranging, not to want to judge for himself.

Moore would undoubtedly have been delighted by the image of Karl Rove peering at a fuzzy bootleg of *Fahrenheit 9/11*. What publicity material that would have made! At the time, Moore was traveling around the country, promoting the movie as George W. Bush's worst nightmare, generating an enormous amount of free coverage in the process. The point—other than to make money for Michael Moore—was to create the impression that *Fahrenheit 9/11*



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had touched off an explosion of anti-Bush activism across the nation.

At least for a while, the plan appeared to be working. *Fahrenheit 9/11* did an impressive business, earning far more than any other documentary in history. And many reporters and analysts, spurred on by Moore and his publicity team, interpreted the movie's success as evidence of a deeply felt and growing anti-Bush sentiment among the public, not just in the blue states, where the movie might have been expected to do well, but also in the red states won by George W. Bush in 2000.

But a little more than four months later, after Election Day, things looked much different. Not only had Moore's movie not propelled the Democratic candidate to victory, but some Democrats wondered privately whether *Fahrenheit 9/11* and all the attendant fuss might have done more harm than good. What went wrong?

The answer, although no one beyond a few Hollywood executives, and probably Moore himself, knew it at the time, was that *Fahrenheit 9/11* never had the sort of national appeal that its maker and its publicists claimed. The truth was just the opposite; deep inside the dense compilations of audience-research figures that are used by movie studios to chart a film's performance was evidence that *Fahrenheit 9/11*'s appeal was narrowly limited to those areas that were already solidly anti-Bush. Moore's daily pronouncements about the movie's success in pro-Bush areas, and the growing anti-Bush movement it was supposedly engendering, were little more than wishful thinking.

In the end, Karl Rove was right. There was no need to worry.

**Fahrenheit 9/11's appeal was narrowly limited to those areas that were already solidly anti-Bush.**

## SOLD OUT IN FAYETTEVILLE

On June 28, a couple of days after *Fahrenheit 9/11*'s premiere, Moore spoke to thousands of people via an Internet hookup at "Turn Up the Heat: A National Town Meeting on *Fahrenheit 9/11*"—organized by MoveOn. "It was the number-one movie in every single red state in America," Moore said, as cheers went up in the room in which I was watching with about 200 MoveOn supporters. "Every single state that Bush won in 2000, it was the number-one film in it." The news seemed ominous for the president; a real sense of excitement and hope filled the room. "I'm sure when the White House read that this morning, that was one of their worst nightmares come true," Moore said.

Press accounts added to the idea that *Fahrenheit 9/11* was winning over Bush supporters. The day before Moore spoke to MoveOn, the *Los Angeles Times* ran a story headlined "'Fahrenheit' Is Casting a Wide Net at Theaters: Anti-Bush Sentiment Runs High at Showings of the Documentary, Which Has Opened with a Strong Box-Office from 868 Screens." The story began with a woman, a supporter of the president, who had gotten into stinging political arguments with her anti-Bush college-student son. The son urged her to see *Fahrenheit 9/11,* and she emerged from the movie with tears in her eyes. "My emotions are just . . . ," she said, unable to continue. "I feel like we haven't seen the whole truth before." The *Times* wrote of another man, a well-to-do retired insurance agent, who described himself as a lifelong Republican but who, after seeing the movie, vowed to leave the GOP. "I won't be voting for a Republican presidential candidate this time," he told the *Times*.

Summing up the emerging conventional wisdom, *Time* magazine wrote, "You would have expected Moore's movie to play well in the liberal big cities, and it is doing so. But the film is also touching the heart of the heartland. In Bartlett, Tenn., a Memphis suburb, the rooms at Stage Road Cinema showing *Fahrenheit 9/11* have been packed with viewers who clap, boo, laugh and cry nearly on cue. Even the dissenters are impressed. When the lights came up after a showing last week, one gent rose from his seat and said grudgingly, 'It's bulls**t, but I gotta admit it was done well.'" Calling *Fahrenheit 9/11* "a shaping force in the presidential campaign," *Time* wrote that the film was attracting "the curious, the hostile, the indifferent. . . . [Moore is] doing what he does best—pestering—to get them into theaters. And then to the polls."

As publicity for *Fahrenheit 9/11,* Moore himself could not have written better stories. And he did seem to write some of them. "It sold out in Fayetteville, North Carolina, home of Fort Bragg," he told the group at the MoveOn town meeting. "It sold out in Tulsa, Oklahoma. It got a standing ovation in Greensboro, North Carolina." In a matter of hours, those quotes found their way into news reports, feeding the impression that *Fahrenheit 9/11* was exciting audiences everywhere, made up of all kinds of viewers. And that impression was amplified by a separate campaign, coordinated by MoveOn, encouraging the group's members to pack early screenings and write pro-Moore letters to newspapers, all of which was designed to create the sense that the movie was a phenomenon sweeping the country.

But was that really true? Certainly the picture had a spectacular opening weekend for a documentary. But Moore always claimed a special status for the movie, that it was much more than a documentary. (He withdrew it from Academy Award consideration in the documentary category, opting instead to position it—unsuccessfully, as it turned out—for a Best Picture nomination.) And as a film phenomenon, *Fahrenheit 9/11*'s opening was not nearly as spectacular as Moore claimed.

To make a comparison: Which film had a better opening weekend, *Fahrenheit 9/11* or *Barbershop 2: Back in Business*? The correct answer is *Barbershop 2.* In terms of opening receipts, *Mean Girls* also beat *Fahrenheit 9/11,* as did *Starsky & Hutch, Anchorman: The Legend of Ron Burgundy, Scooby-Doo 2: Monsters Unleashed, Alien vs. Predator, 50 First Dates,* and several others. The year's big hits, like *Shrek 2, Harry Potter and the Prisoner of Azkaban,* and *Spiderman 2* all had openings between four and five times the size of *Fahrenheit 9/11*'s. In the end, *Fahrenheit 9/11* had the 32nd-best opening weekend of 2004, taking in $23,920,637 in its first days.

Still, that did not answer the question of whether *Fahrenheit 9/11*'s appeal was nationwide, as Moore had claimed. The reporters and commentators talking about the film could not have known the answer to that question at the time they were confidently asserting



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that the picture was indeed doing well in red states as well as blue. Sold out in Tulsa? A standing ovation in Greensboro? That sort of thing was anecdotal evidence at best. To learn how well the film really did would take weeks and require a detailed look at its performance everywhere it played. The newspapers and magazines didn't have time for that.

But the movie studios did. Motion-picture companies keep track of ticket-sales data in excruciating detail. For any given movie, they know who bought tickets, where, and why. They do research not just on a national basis, or a market-by-market basis, or a city-by-city basis, but on a screen-by-screen basis. Did *Shrek 2* underperform at AMC's Crestwood Plaza 10 theaters outside St. Louis? They know the answer. Did *Mean Girls* overperform at Loews Foothills Cinemas 15 in Tucson? They know that, too.

### THE NUMBERS GAME

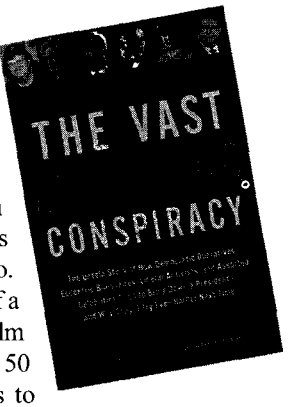
But the public doesn't hear much about it. Studios routinely release box-office figures—the numbers are part of the horse-race reporting that goes on every opening weekend—but executives prefer to keep audience information confidential. That information is quite valuable to them for planning a movie's advertising campaign, as well as mapping out the releases of future pictures and comparing one picture's performance against another's. And releasing it would inevitably lead to more questions from exhibitors and the press. Why is this movie doing so badly in Orlando? Why is that picture a hit in Denver?

Looking for answers to similar questions about *Fahrenheit 9/11,* I came across a source in the movie business who had access to the details of the film's box-office business, and of other releases' performances, as well. He provided me with an Excel spreadsheet of numbers—compiled by Nielsen EDI, a division of the famed Nielsen media-measurement firm—which revealed a picture of *Fahrenheit 9/11*'s performance that bore almost no resemblance to Michael Moore's hype.

First, a few words about how such figures are gathered. Movie studios divide the nation into about 250 different zones called designated market areas, or DMAs. Some, like New York and Boston, are dominated by one city. Others, like Albuquerque/Santa Fe and Grand Rapids/Kalamazoo, are geographical areas that include more than one town. The markets were originally designed by ACNielsen, which uses them to measure national and local television audiences.

Movie analysts use the same geographic areas, but they do not mark those areas exactly as TV analysts do. West Palm Beach/Fort Pierce, Florida, for example, is the 49th-largest television market but the 31st-largest movie market, meaning that people there tend to watch a lot of films. New York is the biggest television market but the second-largest film market, behind Los Angeles. San Francisco is the fifth-largest TV market but the third-largest movie market. Also, most motion-picture grosses are measured on a North American basis, meaning they include ticket sales in both the United States and Canada. Toronto, for example, is not included in American television ratings but is the fifth-largest DMA for moviegoing.

One key measure studios apply to a picture's performance is whether it does better or worse than might be expected in any given DMA. They do that by calculating each DMA's share of the total North American box office. Los Angeles, for example, accounts for 8.32 percent of the box office for all films, New York for 7.78 percent, and San Francisco for 3.40 percent. If the San Francisco box office for a film accounts for more than 3.40 percent of a film's total gross, the film is said to have overperformed in San Francisco. If the city accounted for, say, 5.10 percent of a picture's North American gross, then the film would be said to have overperformed by 50 percent. Studios use those measurements to compare films with one another, and entire film genres with one another. Do action pictures do better in Philadelphia? Romantic comedies in St. Louis? That sort of thing.




Overall, *Fahrenheit 9/11* did extremely well in North America's top eight markets, according to the numbers compiled by Nielsen EDI. The film actually underperformed slightly in the largest market, Los Angeles, down just under 4 percent from the market's normal DMA share. (That was probably due to the presence of conservative Orange County, which makes up a significant part of the Los Angeles DMA.) But it overperformed in the next seven largest markets. In New York it overperformed by nearly 43 percent; *Fahrenheit 9/11* took in 11.12 percent of its total box office in that city alone. It did even better in San Francisco, overperforming by 73 percent, and did above-normal business in Chicago, Toronto (by 79 percent), Philadelphia, Boston, and Washington, D.C.

*Fahrenheit 9/11* also did well in Seattle, Montreal, Ottawa, Portland (Oregon), Monterey (California), and Burlington (Vermont). In all, two things stand out from those numbers. One is that the picture overperformed only in blue states, and even then only in the most urban parts of those blue states. And the second is that it did very well in Canada. *Fahrenheit 9/11* consistently overperformed in Canadian cities; without that boffo business, the film's gross would have been significantly smaller than it was.

That's the upside of the story. The downside revealed by the Nielsen EDI numbers is that *Fahrenheit 9/11,* far from being the runaway nationwide hit that Moore claimed, underperformed in dozens of markets throughout the red states and, most important—as far as the presidential election was concerned—swing states. Dallas/Fort Worth, the ninth-largest movie market, accounts for 2.07 percent of North American box office but made up just 1.21 percent of *Fahrenheit 9/11*'s box office, for an underperformance of nearly 42 percent. In Phoenix, the tenth-largest market, *Fahrenheit 9/11* underperformed by 29 percent. In Houston, ranked twelfth for movies, it underperformed by 38 percent. In Orlando, it underperformed by 38 percent; Tampa-St. Petersburg, by 41 percent; Salt Lake City, by 61 percent.

The list goes on for quite a while: Las Vegas, Raleigh-Durham, San Antonio, Norfolk, Charlotte, Nashville, Memphis, Jacksonville, Flint (Michael Moore's Michigan hometown), and many others. And in Fayetteville and Tulsa, where Moore boasted that his movie had sold out, *Fahrenheit 9/11* underperformed by 41 percent and 50 percent.

Despite Moore's PR campaign, the data, which the public did not see at the time, showed that *Fahrenheit 9/11* had a very limited appeal. Moore's claim that his documentary was a "red-state movie" was simply untrue, and all the articles based on its alleged national appeal were, in the end, just hype. **NR**



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# the long view

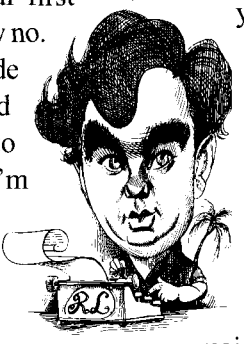
ROB LONG

## College of Cardinals
## St. Peter's Basilica
## Vatican City

**BY FAX**

Dear Cardinals,

I am going to suggest something to you, and I know that your first impulse is going to be to say no. But I want you to put aside your natural skepticism and your instant resistance to new ideas—something I'm hoping to change! But I'm getting ahead of myself!—and keep your minds open.



As you know, I've been out of office since January 2001. And in that time, I've had some joy (wrote a book; lost some weight) and some tears (9/11; tsunami; bypass), but I'll be honest: I've been searching for something . . . something new and challenging and different to do with myself for the next 20 or so years. What I'm looking for isn't just another job. Another election. Another rope line. Blah blah blah.

Been there, done that.

What I'm looking for is a new calling. A new mission. Something I can really sink my teeth into.

And what are you looking for? I think I know what you're looking for: dynamism, popularity, a proven affinity for the peoples of the Third World, youthful exuberance, the ability to talk about religious themes without making people go "Oy!"—that's the profile of the next pope, isn't it? And if it isn't, shouldn't it be?

Gentlemen—and you are all gentlemen (for now! But I'm getting ahead of myself again!)—I know that when you think of the words "Supreme Pontiff" you don't automatically think of "Bill Clinton," but I want you to take a deep breath, close your eyes, and just let the words "Pope Bill I" sound in your ears.

Talk about redemption! Talk about Christ's everlasting love! Talk about the transforming power of God's light! Pope Bill I would be a shining beacon, an example, an apotheosis, if you will, of the power and majesty of the Church.

Couple of bumps. One, I'm not a Roman Catholic. This isn't such a major thing, really, and it can be easily dealt with in a huge—and I mean huge—conversion to the Catholicism dealie that we broadcast worldwide. Did you know that when I had my bypass surgery recently, the number of bypasses performed in the United States skyrocketed? What do you think will happen when the world watches me convert to the One True Apostolic Faith?

Two, the celibacy issue. What can I say here that will make you feel okay about all of this? That will get us both to a certain comfort level? Let me say this: I get it. I really really do get it. As the Vicar of Christ, I'll need to be totally—and I mean totally 110 percent no exceptions no loopholes no wiggle room absolutely positively totally—discreet, and on that you have my word of honor, and if you want Lanny or one of my guys to draw up some papers and have it all written out in legalese, okay, fine, we'll do it—that's just how much I want this—but it won't change the commitment in my heart and soul to the whole thing. If you want me, you've got me.

Three, I'm (very technically) married. But you know what? I'm not sure that's such a big deal these days. And it's something that can be dealt with very easily (weird thought: If all goes according to plan, I could annul my own marriage! A first for any pope!) and with a minimum of fuss. It can be done before the tabloids get a hold of it. We would need to work fast on this, of course, and I'd have to do some talking to my better half, but I think we're at a place in our lives when we're both willing to think "outside the box," as it were. In fact, this whole thing was sort of her idea in the first place. I'll cc you guys on her e-mail.

So when you add it all up—your needs; my needs; your challenges; my proven skills as a fundraiser and communicator—it only seems crazy for a moment or two. The more you think about it, the more it just makes sense. It's win-win.

Talk it over with the guys. I'm flying to Rome tonight. I'll be at the Hotel de Russie. My cell works over there. The next step is yours to take.

Looking forward to the white smoke!

Sincerely,

Bill Clinton

P.S.: And I love love love pasta! Talk about a perfect fit!



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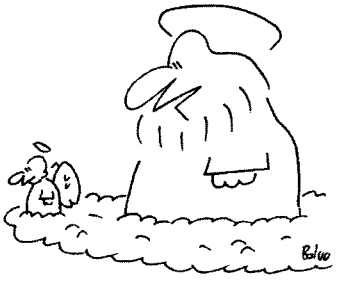
# HELP!!!!

## Kofi Responds

*Those shredded files don't leave him wan*
*Like cornered captains at Enron;*
*Nor does high-living Sonny, whose*
*Footprints fade slowly in the ooze.*
*Throw in those randy U.N. troops*
*Who get, at best, a muttered "Oops,"*
*And one can only wonder why*
*Paul Volcker couldn't nail the guy.*

—W. H. von Dreele



*"Okay, but 'motivational speakers' sounds kind of hokey—we'll call them 'prophets.'"*

WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN INALIENABLE RIGHTS, THAT AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS...
UNLESS THEY'RE BRAIN-DAMAGED. THEN WE SHOULD STARVE THEM TO DEATH.
BOOKS BOOKS



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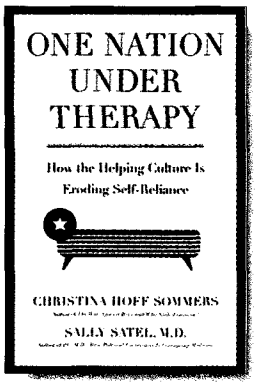
# Therapeutic States




*One Nation Under Therapy: How the Helping Culture Is Eroding Self-Reliance*, by Christina Hoff Sommers and Sally Satel (St. Martin's, 320 pp., $23.95)

DANIEL N. ROBINSON

Any book that includes self-reliance in its title must call to mind the Spartan scruples of Emerson, who, looking objectively at his contemporaries, worried that "the sinew and heart of man seem to be drawn out, and we are become timorous, desponding whimperers. We are afraid of truth, afraid of fortune, afraid of death, and afraid of each other. Our age yields no great and perfect persons . . . We are parlour soldiers. We shun the rugged battle of fate, where strength is born."

At a time when U.S. soldiers display such grace and courage on a daily basis, one might be tempted to think that Emerson's lamentations have been overtaken by history. But it is surely not members of the U.S. military, generally speaking, who display the pathologies described by Christina Hoff Sommers and Sally Satel in this new book about the Therapeutic State, a state that is, in most respects, the disease it purports to cure. Unlike those in uniform, our parlor soldiers have no need to engage the rugged battle of fate, for the priests of Therapism stand at the ready to scold fate, to demand apologies, to mint exculpatory slogans in quantities that would dazzle the snake-oil merchants of an earlier time.

Movements require prophets. Freud is too remote, too trapped in the peculiar pathologies endemic to a world long gone when shame alone could cripple. Freudian neuroses and hysterias are now found chiefly in textbooks, not clinics. Today's dominant complaints, combinations of distraction and depression, are scarcely considered in Freud's voluminous works. The Death Wish has been replaced by the Wish List, all the items pertaining to the holy trinity of me, myself, and I. Where the Victorians were plagued by the fear of failing in their duties, today's clients must be understood according to a different text. Abraham Maslow's *Toward a Psychology of Being* is useful to Sommers and Satel, who find lines at once hopeful and accusatory: "I sometimes think the world will be saved by psychologists . . . or it will not be saved at all . . . Sick people are made by a sick culture."

**The priests of Therapism stand at the ready to scold fate, to demand apologies, to mint exculpatory slogans.**

With doctors such as this, who needs authentic illness? It is a credit to Sommers and Satel that they have summarized accurately the received wisdom of the psychological community, and then underscored its debatable grounding in fact and its pernicious effects in practice. The lessons of history and biography point clearly to the need to get outside oneself, to travel to places beyond one's merely local travails. The authors avail themselves of John Stuart Mill's account of his own deep depression and its resistance to merely introspective paths to understanding and recovery. Mill instead found his way out of the labyrinth through absorption in literature, which, they write, led him "to develop what he called an 'anti-self-consciousness' theory." The authors then quote this insightful passage from Mill's *Autobiography*: "The only chance is to treat not happiness, but some end external to it as the purpose of life."

Today's sophisticates will, no doubt, chortle over the "simplistic" assessments and Kiplingesque directives set out in *One Nation Under Therapy*. Sommers and Satel write with vigor and passion about the "American Creed" of stoicism and achievement, leaving critics with the task of either denying the history or relegating it to the putatively useless category of that-was-then. But the history cannot be denied: Between 1600 and 1800 a community of Christian settlers numbering in the hundreds developed into a nation of several million, having fashioned a form of governance and the means of defending it that would have defied the most optimistic of prophecies. The record since that time, including a devastating civil war and two world wars, further refined and hardened the resolve of a people now more various, more urbanized, more mobile than earlier generations—but every bit as guided by stoic resolve and the highest standards of achievement.

Something has happened to alter this, and Sommers and Satel locate one source of the transformation. Their treatise is developed in 220 pages of text augmented by 80 pages of notes. They have done the necessary research. Nonetheless, self-absorption and therapism are perhaps less aptly cast here as causes than they would have been as effects, the originating causes somewhat less visible in this good book than one would wish. The authors approach the nub of the matter most closely in their first and fourth chapters: Chapter One ("The Myth of the

**Mr. Robinson is distinguished professor emeritus, Georgetown University, and a member of the philosophy faculty at Oxford University. His most recent book is *Praise and Blame: Moral Realism and Its Applications* (Princeton, 2002).**



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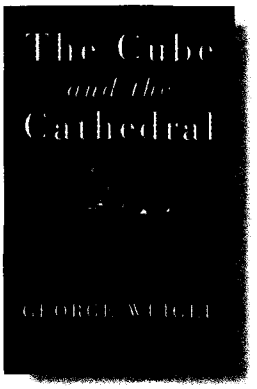
Fragile Child") describes what now passes for education in our primary schools, where students are encouraged to reveal in a public setting their innermost feelings; Chapter 4 ("Emotional Correctness") reviews the currently approved forms of grieving. Children thus schooled are unlikely candidates for a life of stoic strength. And what of those who *are* stoically resigned? The authors note that "their reticence is supposed to put them at a disadvantage." As it happens, research either indicates otherwise or offers no support for this persistent claim. The key word here, I submit, is reticence, especially as understood in Rochelle Gurstein's important book, *The Repeal of Reticence*. What Gurstein establishes is the functional and even causal connection between reticence and intimacy. The creation and preservation of intimate associations must be grounded in the sharing of thoughts and sentiments, beliefs and aspirations that are otherwise unexpressed, unpublicized; unfortunately, with the ever greater tendency toward self-*presentation* (rather than mere self-absorption), there is a comparable contraction of the sphere of intimacy. What may, finally, be lost is the capacity for friendship itself, for that authentic friendship—Aristotle called it *teleia philia*—that finds each friend wanting for the other what is best for the other, for the sake of the other. With that loss comes the loss of a unique form of civic life, the life lived by those privileged to be citizens in a community of friends.

Furthermore, therapy of the psychological variety is supposed to be "value neutral." How silly! The very identification of conditions warranting treatment is evaluative from start to finish. What Sommers and Satel accomplish in this serious work is the identification of conditions that do not warrant treatment but actually require its cessation. If, as Emerson says, we have come to "shun the rugged battle of fate," our current fearfulness is not that of the pioneer, the soldier, the explorer. It is that of the publicized "self," now risking exposure, now on the verge of being seen as something different from the staged version. What we must convey to sufferers is not the means by which to improve their performance, but the cost of living life as if it were a performance. **NR**

# Godless Continent




*The Cube and the Cathedral: Europe, America, and Politics Without God*, by George Weigel (Basic, 224 pp., $23)

RANDY BOYAGODA

In his *Oration on the Dignity of Man*, Renaissance sage Pico della Mirandola declared that "whatever seeds each man cultivates will grow to maturity and bear in him their own fruit." Elaborating, he provides us with an index by which to measure European man's predicaments and prospects: "If [these seeds] be vegetative, he will be like a plant. If sensitive, he will become brutish. If rational, he will grow into a heavenly being. If intellectual, he will be an angel and the son of God." Five centuries after Pico, George Weigel offers a bleak report on contemporary Europe's germinations in his new book *The Cube and the Cathedral*. In effect, he worries that Europe as a whole is indifferently slipping into vegetable life, while its elites clear away any visions of angels that would interfere with their cultivation of an elegantly Godless Continent.

Weigel contends that Europe's current demographic and cultural barrenness is the result of a great civilization's abandonment of its longstanding source of self-comprehension and advancement. This diminution should concern Americans, the book persuasively argues, because the eventual outcome of Europe's present course could pose profound difficulties for the United States: It would create a sanctimoniously post-Christian world power that would both compete with the U.S. internationally and encourage the ambitions of America's own domestic secularists.

In Paris in 1997, Weigel visited La Grande Arche de la Défense, a gargantuan, Mitterrand-era glass-and-white-marble cube that houses the International Foundation for Human Rights. It is also, the guidebooks note, large enough to contain the Cathedral of Notre-Dame. Weigel finds this contrast highly provocative: "Which culture, I wondered, would better protect human rights? Which culture would more firmly secure the moral foundations of democracy? The culture that built this stunning, rational, angular, geometrically precise but essentially featureless cube? Or the culture that produced the vaulting and bosses, the gargoyles and flying buttresses, the nooks and crannies, the asymmetries and holy 'unsameness' of Notre-Dame and the other great Gothic cathedrals of Europe?"

Weigel is best known as the author of the definitive biography of Pope John Paul II and as a leading Catholic thinker on just war and democratic institutions; this reputation forecasts his answers to these questions and, at times, Weigel could be accused of preaching to the choir. Indeed, his argument would be even more formidable if it engaged the ideas of "the people of the Cube" with a greater portion of intellectual sympathy tempering its muscular critiques. Offering as much might open otherwise stuffed ears to this book's accomplishment: a consistently winning apology for Christianity's preeminence in the formation of European civilization, an acute diagnosis of the maladies that have followed upon Christianity's banishment from the European public square, and a clear-eyed brief on Christianity's vital role in securing a redemptive future for the Continent.

Bland 20th-century architecture might have started Weigel thinking in these directions, but 21st-century constitution-

**Mr. Boyagoda recently completed his Ph.D. in English at Boston University and will be a postdoctoral fellow with the Erasmus Institute at Notre Dame next year.**



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making provokes his passions. A great deal of the book is concerned with the EU's protracted debate over the inclusion of a reference to its Christian inheritance in the preamble to its constitution. Weigel charges that the marked resistance that was mounted, like the eventual decision in the negative, represents "self-inflicted amnesia" provoked by "Christophobia" among Europe's elites: their view of Christianity "as an obstacle to the evolution of a Europe at peace, a Europe that champions human rights, a Europe that governs itself democratically." While rightly irritated at this misjudgment, Weigel skirts the premodern Church's actual role in Europe's history of absolutist rule, mentions the "wars of religion" only in passing, and fails fully to address the burden these phenomena have placed upon the Continent's political development.

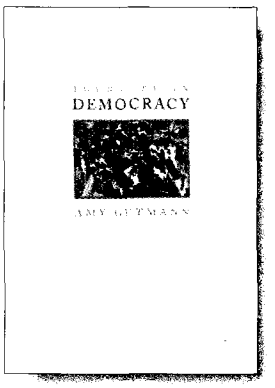
He focuses instead on decrying the historical absurdity of the preamble's citations of Thucydides and the Enlightenment—with nothing in between—as testaments to Europe's grand heritage. In response to this elephantine silence, Weigel brings a plethora of evidence to bear. The accumulated effect is the correction of a patently artificial divide between Christianity's bestowals and Europe's most prized elements: its free institutions, its rich sense of common identity, and its longstanding valuing of freedom and human dignity. Weigel's proof ranges from St. Thomas Aquinas's theology to the community-forming effects of Continental pilgrimages, from the direct democracy practiced by Benedictine monks to Pope John Paul II's thoroughly modern, thoroughly Christian sensibility. Weigel consistently emphasizes that "Christianity taught European man his own dignity" and, in turn, that it proposed to him how best to be responsible and virtuous in forming societies organized to reflect and secure the inherent individual liberty of all. With severe precision, he argues that Christianity's omission from the EU's preamble exposes Europe's abandonment of a morally regulated democratic sensibility for an emptily procedural equivalent.

In the book's closing chapters, Weigel entertains a series of possible outcomes for Europe. The chances of the EU's dream of a post-Christian perpetual peace are slim to none; Weigel more realistically predicts that Europe's various muddles will persist into the foreseeable future. He finds hope for Continental renewal in the still active Catholicism of Central and Eastern European nations, and in a Continent-wide critical mass of energetic Catholic youth rejecting the wayward wobbles of recent generations for the deep reserves of Christian Europe. The darkest possible outcome, according to Weigel, would be "1683 Reversed": the continued large-scale immigration into Europe of Muslims armed with very different ideas about religion and politics. If current trends continue, these immigrants would encounter a Continent equipped to welcome them with only self-inflicted cultural amnesia, watery pluralism, and mundane humanism. Passion for the crescent would overwhelm indifference to the Cross, and these new Europeans would take charge of a demographic and democratic wasteland.

**Weigel consistently emphasizes that 'Christianity taught European man his own dignity.'**

This last matter suggests most immediately why Americans have a stake in Europe's future: Though it would take decades for such a situation to develop, a Europe potentially defined from its leadership down by a broadly anti-Western Muslim majority would pose striking civilizational challenges to the U.S. Yet for all his concern and complaint, Weigel refuses to abandon Europe to itself, and he demands the same of his readers—specifically in how we understand our own historical formation. Though patriotic amnesiacs may resist him, Weigel emphasizes that the success of the American experiment owes a great deal to the influence of Old World civilization. While qualifications and refusals of this fact have been made from Emerson's time through our own, *The Cube and the Cathedral* makes powerfully clear the self-destructive consequences of squandering one's inheritance. **NR**

# Liberal Tribalism




*Identity in Democracy*, by Amy Gutmann (Princeton, 264 pp., $35)

EDWARD FESER

Modern liberalism has a paradoxical tendency to promote both excessive individualism in the realm of private behavior and a stifling conformity of thought and action in the public sphere. This reflects its concern to harmonize its favored conceptions of liberty and equality. The liberal wants everyone to be as free as possible to pursue his own values and interests unimpeded by either law or social convention, but takes this to entail a regime of antidiscrimination measures that in many cases effectively prohibit even private organizations from favoring certain patterns of thought and behavior over others, lest some individual find himself disadvantaged by virtue of his adherence to an unpopular manner of thinking or acting.

Liberals are, accordingly, criticized both for promoting too much freedom and for allowing too little. In particular, they are accused of attempting to impose, in the name of equal freedom for all ways of life in modern democratic societies, a radical egalitarianism that effectively allows no one to disapprove of anyone else's way of

**Mr. Feser is the author of *On Nozick* and the forthcoming *Philosophy of Mind: A Short Introduction*.**



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life. But since almost any way of thinking and acting with any substantial content involves disagreement with some other ways of thinking and acting, this requires that the only point of view that can be allowed to flourish in a polity informed by the liberal-egalitarian ethos is the liberal-egalitarian ethos itself. Modern liberalism thus seems to its critics to be an incoherent mess, and to entail in practice the negation of liberty and equality as those terms are understood by everyone but liberals themselves.

Amy Gutmann's book is the latest attempt by a liberal political theorist to square this circle. It fails miserably. Gutmann wants to show that liberals are not the atomistic individualists they are accused of being, that liberalism is fully compatible with a recognition that individuals flourish best in the context of private associations, churches, and other "identity groups" defined by common aims and values. She wants to show also that liberals respect the rights of such groups to run their affairs as they please. Nor, in her view, are these mere ad hoc concessions to forestall some common objections; rather, they are entailed by the fundamental liberal commitment to freedom of association. But Gutmann, like all modern liberals, would add considerable qualifications to her endorsement of the right of free association, and also to her acknowledgement of the value of identity groups. Predictably, these qualifications completely undermine her claim to understand seriously the need for, and to respect the rights of, such groups.

The trouble begins as soon as Gutmann explains what she means by "identity groups" and why she thinks them valuable. Such groups can on her usage of the term be defined by "gender, race, class, ethnicity, nationality, religion, disability . . . sexual orientation . . . age, and ideology." The NAACP and KKK count as identity groups in her view, as do even those groups defined by such epithets as "geek, jock, bimbo, and hottie." One begins to suspect that wherever two or three are gathered together, even if they're just waiting for the bus, Gutmann is ready to classify them as an identity group. Part of the problem with this is its methodological sloppiness. A classification that lumps together Hasidic Jews, Stonewall rioters, and the cast of *Saved by the Bell* as instances of the same type of social category is hardly a model of analytical precision.

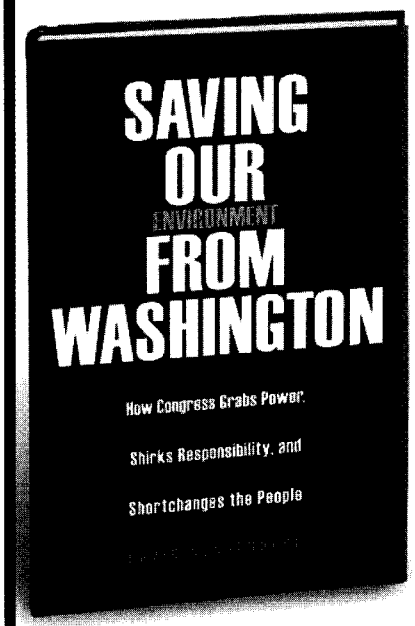
But the deeper problem with Gutmann's conception of identity groups is how crassly and unreflectively it front-loads liberal individualism into her analysis. As some of the examples given illustrate, to a very great extent Gutmann sees membership in an identity group as a matter of personal preference, and as having value only to the extent that a member happens to regard it as having value and only so long as he can continue identification with the group on his own terms. Identity groups are means by which people "express themselves" and they provide a "context for individual freedom of choice." The common criticism of liberalism to the effect that it refuses to recognize that an individual might have obligations—including obligations to his kin, country, and religious community—that he did not choose, cannot voluntarily escape from, and that partially constitute his identity, is simply ignored. A thin and individualistic conception of group identity is substituted for the richer conceptions defended by liberalism's conservative and communitarian critics, so that the liberal can quietly change the subject while seeming not to.

In line with this, Gutmann holds that "group identities are best conceived as multiple and fluid," that "free people have multiple and alterable identities." However important group identity is, it must never be allowed to stifle individual freedom of choice, as the liberal conceives of it, and the individual must be allowed to mix and match his group affiliations as he sees fit. Here the liberal mania for antidiscrimination measures of all sorts enters the analysis. If feminists demand that women be allowed to participate in Orthodox Jewish life or Pueblo Indian cultural life in ways that conflict with the traditional Orthodox or Pueblo self-understanding, or if gays insist on membership in the Boy Scouts despite the Scouts' long-standing ban on admitting homosexuals, then government has a right, indeed an obligation, to force these groups to comply. That some members of these groups might be "offended" by such forced compliance cannot trump the demands of "democratic justice," "rights," and "civic equality."

It never seems to occur to Gutmann that there are conceptions of democracy, justice, rights, and civic equality other than


**Filled with surprise and human interest.**

**—Philip K. Howard**
author of *The Death of Common Sense*

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**—Morris P. Fiorina**
Stanford University

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her own liberal conception, and that this is precisely why the beliefs and practices of various religious and cultural groups are so often at odds with those preferred by liberals. For her there is only the liberal's high-minded concern with such moral ideals on one hand and the grubby and unreasonable prejudices of certain religious and cultural traditionalists on the other. If the liberal is to allow those holding such prejudices to carry on unmolested, this can be only for prudential reasons or out of respect for the abstract principle that even the most odious views must be tolerated in a free society, so long as those holding them don't violate the "rights" of others by refusing them membership in their groups. The possibility that the views and practices in question might not be mere prejudices at all, but rather reflect conceptions of justice and rights every bit as rationally defensible as the liberal's own, is never considered. Here Gutmann is a loyal disciple of John Rawls, who held that liberalism is neutral between all the "reasonable comprehensive doctrines" existing within a pluralistic democratic society, where a doctrine counts as "reasonable" just when (surprise!) it incorporates a willingness to submit to the liberal conception of justice.

Thus does Gutmann argue that for government even to allow the Boy Scouts to meet on public property would be for it unjustifiably to promote a "symbol of [the] inferiority" of homosexuals, while neglecting to mention that for government to refuse to grant such a privilege to the Boy Scouts precisely because of their attitude toward homosexuality would also promote a "symbol of inferiority"—the inferiority of the Boy Scouts themselves—insofar as it effectively sends the message that the only reason one could possibly disapprove of homosexuality is irrational prejudice. All points of view are equal, in Gutmann's view, but some are less equal than others.

Gutmann does not make clear how far she thinks the antidiscrimination measures she advocates ought to be extended to religious organizations. She does insist, though, that a group allow its members to be "educated" about alternatives to it, that "respect for culture cannot mean deference to whatever the established authorities of that culture deem right," and that religious groups "should not . . . be treated with special consideration." So should we conclude that the Catholic Church, say, ought to be forced to ordain women and that Catholic schools should be forced to teach children that there are alternative paths to salvation, regardless of what 2,000 years of popes have taught?

If we fear we know already how a frank and consistent liberal would have to respond, that is because liberals seem to have become exactly what they claim most to despise: a narrow-minded tribe of bigots, merely one "identity group" alongside others eager to impose their own idiosyncratic and highly contestable scruples on everyone else. Why the rest of us ought to regard such liberal tribalism as any better than the other kinds is a question to which Gutmann gives no answer. **NR**

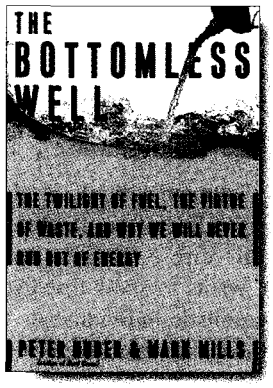
WITH MY GOD, THE SMITH

Like chapters of prophecy my days burn, in all the revelations,
And my body between them's a block of metal for smelting,
And over me stands my God, the Smith, who hits hard:
The wounds that Time has opened in me open their mouths to Him
And release in a shower of sparks the intrinsic fire.

This is my just lot—until dusk on the road.
And when I return to throw my beaten block on a bed,
My mouth is an open wound
And naked I speak with my God:
You worked hard.
Now it is night; come, let us both rest.

—ROBERT MEZEY

# High Priests Of Energy




*The Bottomless Well: The Twilight of Fuel, the Virtue of Waste, and Why We Will Never Run Out of Energy*, by Peter Huber and Mark Mills (Basic, 214 pp., $26)

JERRY TAYLOR

PETER HUBER is a bright star in the popular world of ideas. His column in *Forbes* is always provocative and interesting. His previous books have played a major role in defining smart conservative thinking about junk science (*Galileo's Revenge*), tort reform (*Liability*), and environmentalism (*Hard Green*). His latest book, this time with coauthor Mark Mills, targets the energy scold, a fellow who has once again found his day in the sun given the recent rise in energy prices and the calamitous mishaps in California and elsewhere. Huber and Mills indeed draw blood, but for all of the clever insights therein (and there are many), there is also much in *The Bottomless Well* that is confused and flatly wrong.

The authors are at their best when they are dealing with "high concept." Their argument that energy in its purest form is entropy and chaos and that it takes a lot of energy to order this chaos into *useful* energy is powerful, elegant, and revela-

**Mr. Taylor is director of natural-resource studies at the Cato Institute in Washington, D.C.**



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tory. The energy required to produce this order is frequently identified as "waste," but it is anything but. Their descriptions of the technological advances that are using this increasingly precise order to revolutionize the application of energy are well informed and eye-opening. Their discussion about why energy will never "run out"—even as the source of energy can and will change and grow less expensive as technology evolves—is reasonably argued.

Unfortunately, the authors' "science guy" approach overlooks a great deal of powerful economic ammunition readily available to strengthen their case. For instance, their discussion of "negawatts"—the idea that it is more profitable for utilities to "sell conservation" than to sell electricity—overlooks a devastating study concluding that utility-sponsored negawatt programs saved virtually no electricity at all and cost two to four times more than the electricity the programs were trying to save.

The heavy emphasis on technological narrative and modest attention to empirical analysis means that some of the discussions—however interesting—are disappointingly frothy. Perhaps that explains why the authors frequently run into trouble when they tread into more concrete policy discussions. For instance, they claim that the California electricity crisis was caused by state regulators' blocking new power plants and by the machinations of Enron. The former contention is demonstrably untrue, while the latter is at best a vast overstatement.

Huber and Mills argue that electricity prices spike only when politicians and regulators get into the act, and are never caused by fuel shortages or technological factors. I would like to think that this is true, but it is not. The California electricity crisis was, in fact, touched off by a drought that knocked out the equivalent of seven to ten big nuclear power plants from the grid. The only way to make up for that lost hydropower was to generate electricity with natural gas. But when gas supplies got tight in the West owing to this unprecedented spike in demand (exacerbated as it was by a hot summer and then a cold winter), all hell broke loose.

The authors maintain that the only reason investors are building natural-gas-fired power plants is that regulators keep them away from their true hearts' desire—coal and nuclear power. This simply isn't true; advanced combined-cycle natural-gas generators won fair and square in the marketplace. Regulators encouraged natural gas only to the extent that they have ceased providing guaranteed rates of return to power-plant investors, a change that removed the artificial advantage that capital-intensive facilities once enjoyed. Even with natural-gas prices on the rise, these facilities are less capital-intensive—and thus less risky—than coal or nuclear plants.

Huber and Mills also contend that the price of electricity does not depend much on the price of the fuel that generates it. Yet fully 90 to 95 percent of the cost of gas-fired electricity is the cost of natural gas itself. And since gas-fired electricity is the marginal source of supply at most times and places along the grid, gas prices are effectively setting the price for *all* electricity regardless of how it is generated.

They write that "although Enron itself failed spectacularly" at the electricity-trading business, "many others in the same line of work still prosper." But the truth is exactly the opposite: Enron's electricity-trading floor was a tremendous source of revenue and easily their most profitable line of business. The company got into trouble when it tried to invest those profits in other ventures and billions went down the tubes. The electricity-trading market that Enron pioneered has been largely abandoned because the arbitrage opportunities that the company exploited are no longer thought to exist.

Even when they are on reasonably solid ground, Huber and Mills are prone to overstatement. They argue, for example, that "efficiency makes things worse . . . more efficient engines, lights, and cars lead to more energy consumption, not less." While that's true when the demand for energy at the margin is sensitive to price, sometimes demand is only very weakly connected to price. For instance, if my television is more efficient, am I going to watch more *Hardball*? Probably not.

Finally, there's the somewhat common but rather dubious idea at the core of *The Bottomless Well*: the proposition that all wealth, all economic benefit, stems from the application of highly refined energy. Huber and Mills are, in short, modern Physiocrats. The original Physiocrats thought that land was the magic input. Later, Marxists concluded that it was labor. Today, many conservatives say it is energy. Suffice it to say that Physiocrats are a pretty discredited lot among economists.

But Huber and Mills go even farther than the Physiocrats. Energy is not only the source of all wealth, it is likely the corporeal manifestation of God Himself:

> Perhaps logic and power are really one and the same. Perhaps they appear different only because we arbitrarily divide our own, human-centered conceptions of existence between heavy and light, body and mind, flesh and spirit. At the time of creation there was infinite power in zero-space and thus, perhaps, infinite logic in that one space and time. We ourselves, in our own tiny corner of eternity, now strive ceaselessly to recapture fragments of that once infinite logic, and along with all forms of life, we plainly have within us some small power to grasp and replicate it.

Well, maybe. But then again, maybe it's just a bunch of atoms. **NR**


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■ ART ■

# Sacred Gloom

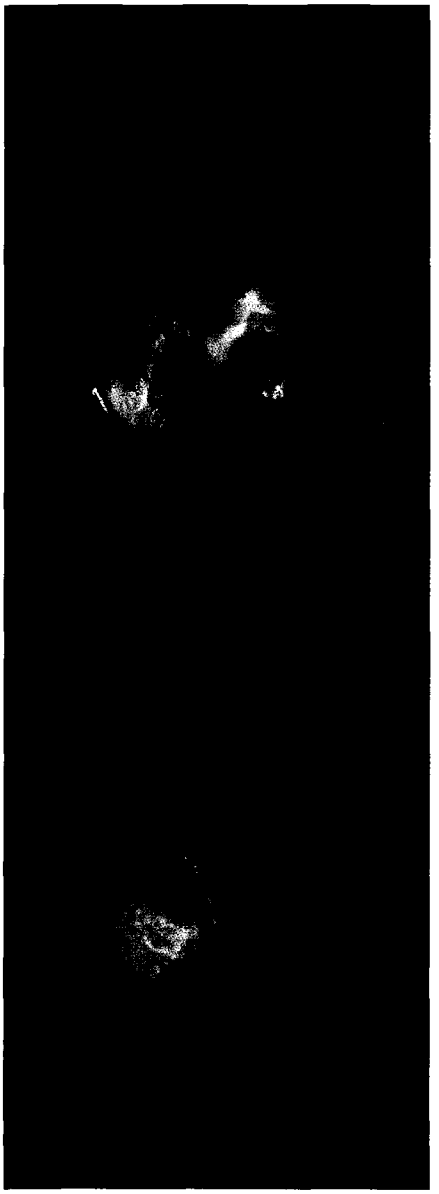
CATESBY LEIGH

In the annals of Western painting, different masters have won acclaim on different grounds. Michelangelo is known mainly for his mastery of form, Raphael and Veronese for mastery of composition, Titian for color. Correggio and Tintoretto stand out, as the critic Kenyon Cox observed, for their use of light and shade not just as a tool for modeling in three dimensions, but as a sovereign element of design. To this latter group belongs Rembrandt (1606-1669), who plumbed the expressive depths of light and shade as no artist has before or since. And not only on that account does he enjoy a unique status among the old masters. In the underappreciated-genius department, he was in his time the genuine item.

An exhibition of "Rembrandt's Late Religious Portraits" is on view at the National Gallery of Art in Washington until May 1; it will be at the Getty Museum in Los Angeles from June 7 through August 28. The exhibition, organized by the National Gallery's curator of Northern Baroque painting, Arthur K. Wheelock Jr., includes 17 works that reflect a distillation of pictorial method in Rembrandt's later work and tell us a good deal about his significance as an artist. The portraits include Christ, the Virgin, several apostles, an evangelist, and other religious figures. Enhanced by the display of etchings on Biblical subjects that Rembrandt produced during the 1650s and 1660s, this exhibition is commendable for its manageable size as well as its superlative content. It is always nice not to enter a museum with the feeling of embarking on an endurance contest.

Rembrandt restricted the palette for these portraits almost entirely to gradations of brown and ocher, with reddish accents here and there, as well as white (mainly for shirts) and flesh tints. The dominance of brown is attributable to the fact that Rembrandt, as Cox observed, was basically conceiving his pictures in terms of light and shade rather than color. The partially lit figures emanate from the enveloping brown gloom. Identifying attributes—the sword employed in the apostle Paul's execution, the cross saw that cut the apostle Simon in half, the knife used in the flaying of the apostle Bartholomew—are not emphasized.

Indeed, Rembrandt displays almost no interest in the exquisite rendering of material possessions such as leather-bound tomes or fabrics or garments in these pictures. In his youth, he was not shy about demonstrating his virtuosity in this domain. But the aging Rembrandt who painted these pictures, the Rembrandt of the late 1650s and early 1660s, was a different man. His halcyon days as perhaps the leading painter in Amsterdam were long gone, as was his beloved Saskia, who had died in 1642, leaving him with one son. His expressive style of painting was out of fashion, and business investments had gone sour. In 1654, the Dutch Reformed Church condemned his mistress, Hendrickje Stoffels, for becoming pregnant out of wedlock. Badgered by creditors and bereft of pupils, Rembrandt was forced to declare insolvency two years later, and subsequently to auction off his grand residence and renowned art collection and move into a much humbler abode.



The Apostle Paul, *ca. 1657*

NATIONAL GALLERY OF ART/WIDENER COLLECTION

The turmoil in Rembrandt's personal life is reflected in these pictures' focus on human frailty and man's response to his mortality. Simon rests his thumb on the handle of the saw as he ponders his doom. The background is dark, and not even the chair in which the apostle is seated is delineated. Light falls on the left side of his face; his eyebrows are raised as he meditates upon his destiny. His poignant expression is one of resignation. The brushwork is rapid, with features only summarily indicated, yet the creative effort is soundly channeled. We gaze upon Simon's face, then our eye drifts to the hand on the saw. Though the mottled tints are laid in quite roughly, Rembrandt's treatment of the hand has a degree of finish appropriately calibrated to the handling of the face and indeed to the expressive quality of the picture as a whole. One of the two Bartholomews in the exhibition appears to draw on the same model as the Simon, yet Rembrandt has translated the model into two distinct character types. The Bartholomew leans forward into the light. There is no pathos in his expression; he is a less pensive, more physically imposing figure than the Simon, more resolute in the acceptance of his fate.

No one is sure how the religious portraits, in which the subjects appear at half or three-quarter length, relate to one another. Four or five of them may have formed part of a series. There are three very different takes on Paul in the exhibition, not to mention two very different

**Mr. Leigh is at work on a book, *Monumental America*, for Spence Publishing.**



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takes on Bartholomew. One of the Pauls appears to be a *portrait historié*, a portrait of a Rembrandt contemporary in the guise of the apostle. The second, Rembrandt's self-portrait as Paul, is as technically impressive as the first, but unlike it utterly deficient in characterization. The painter gazes out at us with the identifying sword tucked in his vestments, holding a manuscript. His expression is at once quizzical and confessional, redolent of human futility. It falls well short of pathos. If the rather bloated butt-end of his nose (a familiar feature in Rembrandt's self-portraits) were ruddier, we might take the man for a reforming tippler. This has nothing to do with the relentless enforcer of Jewish orthodoxy miraculously transformed into the invincible propagator of the Christian faith.

Something very like the real Paul, however, emerges from the darkness in the third portrait. This Paul is seated at a desk. There is no indication of a prison setting. His left hand, perched on the arm of his chair, is raised to his forehead. He is deep in thought, with his pen in his right hand and his manuscript before him. This weary figure—overburdened by cares and physical exertion—is painted thinly over a dark ground. A spectral presence, he appears before us as a vision. This very nearly monochrome picture is a masterpiece that the National Gallery is fortunate to own.

Also formidable is *The Evangelist Matthew and the Angel*, though here the figure is much more solidly modeled, as in the impasto brushwork on the evangelist's highlighted, wrinkled brow. The shaded angel whispering into the ear of this noble patriarch is modeled on Rembrandt's teenage son, Titus—shown with no wings, the light dancing from the end of his nose to a couple of fingers resting on the evangelist's shoulder. Matthew's left hand is raised to his thick beard. Inspected closely, the brushwork on the hand looks chaotic. But step back and the mottled tints resolve in a way that conveys a thoroughly convincing impression of aging flesh.

A second St. Bartholomew, on the other hand, is the most problematic picture in the exhibition. It is another *portrait historié*, but the model has not been translated into a type. His hair is cut short, making him look like a modern. He appears to be a contemporary pondering the apostle's martyrdom; the identities have not fused. In this picture, moreover, Rembrandt's expressionism gets out of hand. The skin on Bartholomew's forehead has a repellent, pasty texture. Unblended clots of ocher, white, and deep red appear there and on the sack under his right eye and on his nose. The left hand he holds to his chin, however, is a duller, yet equally morbid, almost greenish hue. Here the flesh seems loosely engaged, as if ripe for peeling. The picture exerts a perverse fascination, and that's it. The expressionism of *The Virgin of Sorrows* is much more profound in the pathos it evokes.

A painting that stands apart from all these, and deserves particular notice, is *Saint Bavo*. Seen in the appropriately subdued light of the exhibition galleries, the picture of this early-medieval Netherlandish saint, who was born a nobleman, is strikingly like a tapestry woven in a near-monochrome of ochre, deep red, and brown. In this fabric are arrayed Bavo's rich vestments, including a dashing feathered beret; a falcon is perched on his forearm. The bearded saint's large eyes peer out impassively at us, the light falling on one side of his face—making it seem as if this visage were looking out from a hole in a curtain. The saint cuts such an arresting figure that the horse and equerry in the near background almost elude notice. It is a work of sheer painterly genius.

In the Western tradition, Rembrandt stands at the opposite pole from the idealized, rhetorical, even exhortatory art of the Catholic Counter-Reformation exemplified by Rubens. Rubens was the Apollonian painter par excellence, the unsurpassed decorator, preoccupied with the surface appearance of things. He painted "the glory that shall be revealed in us." Rembrandt was his Dionysian counterpart, the psychological realist, the tragic visionary. There is not a hint of glory or triumph even in his beautiful *Resurrected Christ*, with its soft contours and supple torso, the latter only partially hidden by a white cloak. No, this Christ is, as the hymn says, "all compassion." Here, as with several other pictures in this extraordinary exhibition, we come face to face with this titan's supreme Dionysian achievement: painting as revelation. **NR**


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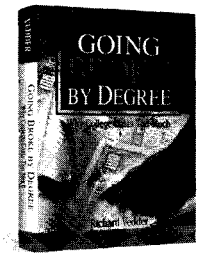


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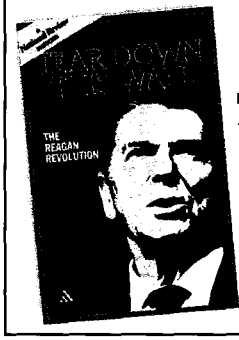


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■ CITY DESK ■

# On Broadway

RICHARD BROOKHISER

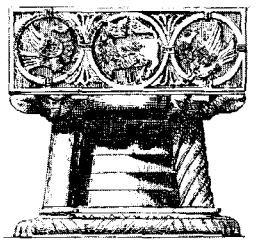
An odd little building just got a lot less odd. For years the southwest corner of Union Square Park was anchored by Paterson Silk, a fabric and notions store—a low-slung brick building fronted by a small tower. The roof of the tower slanted down in back, as if the tower were raising its eyebrows. The tower was girdled in bright yellow metal, covered with dense black and red signage, which leant it a huckstering energy, like the front page of an ethnic newspaper. But then one day late in the Nineties, Odd Job Trading, a chain of close-out stores, rented the space, unpeeled the yellow metal, and revealed a tower of glass, designed by (of all people) Morris Lapidus.

Morris Lapidus, architect of the Fontainebleau Hotel in Miami Beach, the only man to please both James Bond and thousands of homosexuals, had built this cold-weather *jeu d'esprit* in 1953. When a reporter for the *New York Times* called to interview him about the restoration, Lapidus at first did not remember his handiwork, then recalled "that little glass tower." He added: "I did it as an attention-grabber . . . I'm delighted to hear it's going back to what it was." For a few years the glass tower calling the attention of pedestrians to the bargains within was the world's tiniest skyscraper. Now it's been shaved off.

The argument about urban architecture is often misdefined. How many times can we hear Tom Wolfe debate the world about the Huntington Hartford building on Columbus Circle? Buildings don't have to be beautiful, or even good, though that usually helps. What they have to be is engaging and varied. We're packed in here like pencils, and we're constantly hurrying. Even when we're stuck in traffic, we're on a cellphone talking to some other state. In the rush and crush we need visual stimulation. We need it all the more since most buildings in midtown are so overwhelmingly large. Occasionally a genius designs something both huge and subtle; you could spend a week studying the flow and stipple of the Empire State Building, and never grow bored. Failing that, the best alternative for a big building is glass: Let the reflected clouds and other buildings do your work for you. Failing that, the alternative is failure. The World Trade Towers, R.I.P., were ugly and forbidding, except at dawn and dusk. Philip Johnson's AT&T building is ugly and forbidding, despite its Chippendale highboy top.

One of the most refreshing walks in the city goes from Union Square to Madison Square, via Broadway. What a gang of structures. It is like attending a cocktail party arranged by an idiotic but energetic publicist. Ugliness abounds, but it surprises and stimulates.

The buildings house an array of businesses: some big stores, some restaurants, many little stores, and stores of mystery. Someone has papered a second-story window with posters of Bob Marley. There he is in his dreads, and there is Haile Selassie, King of Kings, Lion of Judah. Rastamen may smoke on, but reggae is now as ancient as Vivaldi.



You are greeted by ornamental stone creatures. Lions are a great favorite, typically proud and threatening, occasionally round-headed and anxious. Classical demigods, full-cheeked and wavy-haired, also look down on you. They vanished from maps in the 18th century, then had another run as building ornaments in the 19th. Names also announce themselves, a very American touch: the Hawes Building, the Decker Building. The Barberini covered Rome with bees, but who were they? Adulterous popes. Hawes and Decker were probably honest dry-goods merchants. More honor to them. Hank Reardon, Ayn Rand's industrialist, was proud of his name. She must have learned of that pride on the streets of New York. Why is there no public high school named for her? (She would hate such a thing—all the more reason to do it.)

New York architects ransacked history and the globe for serviceable styles. The glory that was Greece was a great favorite, especially the glory that was Corinth. Corinthian capitals sprout from pillars like stone lettuce. Surely the builders knew this is a city of ice and pigeons, which would go hard on their creations, but the hell with it—they had customers to impress. Once Venice held the glorious East in fee. Now Venetian gothic holds liquor stores, and Engine Co. 14 (dated A.D. 1894): The list of brothers who died on 9/11 has only recently come down. Royal France gave us neoclassicism, and the mansard roof. All these styles are stretched, or squeezed, to fit city lots. Sometimes the proportions come right, sometimes they go wackily wrong: A townhouse tweezed up ten stories, a Louis XV front that ends in a ludicrous acute angle because Broadway, alone of all Manhattan's major streets, is crooked. You would swear that, in one or two instances, the whimsy is intentional: wrought-iron widow's walks seemingly made for Gomez Addams.

Add fire escapes, to remind us of *The Honeymooners* and *West Side Story*; add people; add impatient taxis; add the baying, under your feet, of the Broadway line as it homes in on Union Square. Could you be anywhere else? The walk ends in Madison Square, which is full of interesting things, from a theft of the bell tower of San Marco to a statue of William Seward that is actually a Seward head fastened to a Lincoln body. But the picture, which it frames, is of the Empire State Building, ten blocks north, which you now understand a little better. Icon of the future of the past, it learned from its own past, the rattletrap chaos at its ankles.

The walk will be less interesting at its start. Work on Morris Lapidus's building is in progress. The new tenant will be a bank. The front of the building is now girdled in scrap wood and scaffolding. The ghost of a tower remains: a few girders, the top two still slanting down, the eyeless eyebrow still raised. **NR**



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WILLIAM F. BUCKLEY JR.

## Pounding Sense into Freedom

NEW YORK, MARCH 25

VERY much in the news are attempts to trim the extravagances of the First Amendment. Sometimes freedom-mongering betrays itself, causing the observer to assume comfortably that a sober integration of free speech in the House of Rights is more or less on its way. But the fight needs pursuit.

The season's headliner was Harvard president Larry Summers. What he said was that he fancied that not as many women as men get on with science and engineering. Knoweth not the fury of liberal faculties, the man who makes judgments that are hostile to truly important orthodoxies, in this case, that there is no difference between men and women.

Mr. Summers apologized more often than weeping willow trees over his presumption, but even this did not spare him formal censure by the faculty of Harvard, which brings to mind the sage who years ago said he'd sooner be governed by the first 2,000 names in the Boston telephone directory than by the faculty of Harvard.

The scene at Columbia was slightly different. For once, rights of professors were being challenged. The complaint had gone out that Columbia was—brace yourself—anti-Semitic. This wasn't just one Jewish student, reacting to one animadversion on Ariel Sharon. It was, to quote a dispatch in the *Jerusalem Post*, a charge that faculty members in the school's Middle East classes "use their positions to promote anti-Zionist activism, discourage intellectual discourse on the Israeli-Arab conflict and vilify Israeli students."

Begin by drinking deep of the reassurance of Columbia president Lee Bollinger, who said that it was "simply preposterous to characterize Columbia as anti-Semitic or as having a hostile climate for Jewish students and faculty."

But Mr. Bollinger, who as former president of the University of Michigan is a veteran of the affirmative-action wars, did some hard thinking about academic freedom used as absolute protection for the ventilation of thoughts or prejudices of any kind. Academic freedom was conceived as a shield for researchers, e.g., examining genetic differences between men and women.

One way to put it is that academic freedom was conceived as protecting scholars engaged in scholarly thought, and wild charges of the kind done by such as Ward Churchill aren't properly protected by academic freedom.

Mr. Bollinger made a further contribution to sobriety when he tackled a comfortable defense of some professors. "We should not accept the argument that we as teachers can do what we want because students are of sufficient good sense to know bias and indoctrination when they see it. This ignores the enormous differential in power between the professor and the student in a classroom setting."

At a non-academic level, the doctrine of the absoluteness of free speech is running into the community that wishes to restrain the incidence of smut on TV. It is easy to make fun of spokesmen for such movements. You begin by giving lubricious attention to the amount of time the critics spend staring at bawdy programs. That makes a nice taunting point, makeable, mutatis mutandis, at the expense of district attorneys who spend all their time staring at reports of rape and murder.

A confinement of the First Amendment to civilized standards depends, ultimately, on compartmentalization, some extension of the ratings principle by which, over decades, movies have been hemmed in against sexual and fetishistic exhibitionism. Thought has to be given to the rights of parents who are concerned about psychological damage that can be done to young people staring at adult depravities.

It is interesting, but tells us nothing conclusive, that in the year 2005 one can see on screen scenes which would have been forbidden 30 years ago. These gradations don't accost such interesting questions as whether composure at seeing a rape scene on the screen leads to relative composure at the rise of rape off screen.

The aphorism is that the best way to secure freedom is to practice it. A counter-aphorism would be that the best way to secure freedom is to acknowledge its limitations.

## Confusion Confounded

NASSAU, MARCH 29

IT would not be correct to say that Nassau, the bright little island in the Bahamas, is roiling over the affairs of the British monarchy, but with the approach of April 8, conversations on the implications of the wedding are certainly going on.

Mentioned in several quarters is an inflammatory article in the London *Daily Mail*. It was written by Michael Thornton, a British writer who chose to identify himself as "an ardent monarchist and distinguished royal biographer." He lists his complaints against Prince Charles, and then against Camilla Parker Bowles, and then against the Queen.

We arrest this account to ask a question inchoate in the perplexing circumstances of the planned wedding.

What is the point of it? More exactly, what other point is there in it except to make Camilla, so to speak, queen-elect?

Mr. Thornton acknowledges that Mrs. Parker Bowles lived unhappily with Mr. Parker Bowles even though they met and married only after the royal romance with Charles had begun. That romance is rather like the white cliffs of Dover, standing there resolute, athwart any disruption. It didn't matter to Charles that Camilla married Parker Bowles. It didn't matter to Camilla that Charles married Diana. It didn't matter to the succession that Charles divorced Diana and resumed life with Camilla. Certainly, primacy was not given to the demands of the throne. About all that could be said of the throne was that Charles was determined to mount it, while also mounting Camilla.



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Nothing like primacy was given to the claims of his religion, notwithstanding that he intends to rule not only England, but also the Church of England.

Needless to say, primacy did not attach to the woman to whom, before the great altar of St. Paul's Cathedral, he pledged eternal devotion. Poof! All he wants to do is head up the church at which such vows are made.

Well, Mr. Thornton will have none of it. He has given up hope of royal intervention. "The most distressing aspect of this pubic relations fiasco has been the passive compliance of the Queen. . . . The Queen has acquiesced like a mute and helpless spectator. In the words of the wife of one very senior courtier, she is 'like a woman sleepwalking.'"

Although sleepwalking will not cause the Queen to walk just anywhere, for instance across the street from Windsor Castle to the Guildhall, where the wedding "oath" will be administered by a woman registrar with authority to preside over what used to be called a sacrament. She is very excited at having been selected—more or less like the judge in the middle district of Florida selected by computer to hear pleadings in the case of Terri Schiavo—to effect the wedding of Charles and Camilla.

The registrar told one bystander that she would be figuring in a historic occasion. Perhaps more than she expects. Thornton writes that a poll reports that 81 percent of Brits are "strongly opposed" to the scheduled marriage; 89 percent object to Camilla's assuming the title Her Royal Highness, "which was removed from Diana"; 94 percent say they would not accept her as queen.

Thornton ends his piece in high declamatory mode. "My head will not bow to Camilla Parker Bowles. Nor, I suspect, will many other British heads. And to the Queen, I regretfully say, 'I am sorry, Ma'am. I have been your loyal subject all these years, but I feel the House of Windsor has now outlived its time. After April 8, please join me as a republican.'"

How will all these events affect the Commonwealth of Nassau?

Well, Nassau is effectively sealed off from extra-island events by a post office that delivers mail only on royal holidays, and these may be scarcer, after April 8—or such, in any event, is local speculation.

# A Farewell

NEW YORK, APRIL 5

A LOT of people—roughly speaking, everybody—saw the Pope alive once at least on television. It is estimated that tens of millions of people laid eyes on him in the flesh. All of us have our own memories of one such encounter. The keenest in my own was his appearance ten years ago in Colorado. Why Colorado? One doesn't ask, and never really pondered the question; but there he was, and the wonder of it was the crowd that surrounded him, viewing him say the Mass. The wonder of it to this viewer, watching it two thousand miles away, was the expression on the faces of the ten thousand people the cameras skated about, giving close-ups of hundreds of them. They were young people, late in their teens, early in their twenties. And they were finding the scene—finding the Pope—riveting. They were overcome into a true and resonant silence.

How did this come about?

Well of course, what makes people famous is fame, and John Paul had been at the central part of the international stage a dozen years. He did not command an air force or any bark larger than that commanded by the Founder when he stilled the storm, and drew up the fishes. Where did this old Pole get that magic?

No doubt many who watched him that day in Colorado thought themselves viewing the successor of Christ himself, though the Pope's title is as simple as "Bishop of Rome." But probably the majority thought him, simply—a singular figure, as they stared and stared, and remained quiet for the hour.

The phenomenon was not only in Colorado, as everyone who ever served as witness knows. He had such an effect on men and women of all races, of all ages, though it was in particular his impact on young people that arrested attention. And then there was the cloud hovering dreadfully close, the Parkinson's disease that finally made even simple speech problematic.

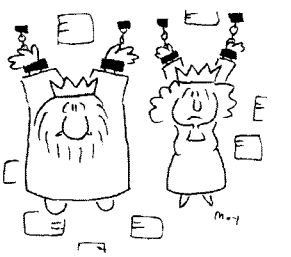
I watched him in Havana at relatively close quarters, being civil, even benign, to the unworthiest of hosts. I saw John Paul cope with the problem, and transfigure the scene. There were, in the estimate of journalists present, one million people in the Plaza de la Revolucíon. The auspices were memorable at several levels, beginning with the invitation itself. But on that Sunday, a sign had been hung at one end of the famous plaza, a mere hundred yards from where Castro sat detachedly in front of the altar. It was the size of a tennis court and read, "JESUCRISTO EN TI CONFIO," as concentrated a repudiation of Castro and his works as four words could manage.

There being no way to shield the host from that resplendent defiance, one wondered what protection would be furnished against nature. Happily there was cloud cover, which shielded the crowd from the sun, as also a brisk wind that mitigated the ambient heat generated by one million fellow creatures, every one of them at elbow-length from the next.

We heard then the quaky voice of the Pope. Not very expressive, but the Spanish he spoke was well turned and clearly enunciated. In a matter of seconds he communicated his penetrating, transcendent warmth. Intending to see better, I walked to a television set. His face was mostly hangdog in expressionlessness. We saw the result of his affliction and his age, and his gunshot wound. The Pope had traveled at that point to more than 80 countries. Observers were dumbfounded by the 16-hour-a-day schedules he regularly imposed on himself.

There was the stoop, and the listless face. But then intermittently the great light within flashed, and one saw the most radiant face on the public scene, a presence so commanding as to have arrested a generation of humankind, who wondered whether the Lord Himself had a hand in shaping the special charisma of this servant of the servants of God, as the Pope styled himself, his death leaving a most awful void, and a disconsolate world.

—UNIVERSAL PRESS SYNDICATE



*"Now what brought* that *on?"*



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# happy warrior

MARK STEYN

## The Icewoman Cometh

DURING the impeachment trial of blessed memory, I had a brief conversation with Sen. Barbara Boxer. "My duty is to the Constitution," she said gravely. "My duty is to preserve our two-party democratic system. It's up to the Democrats to save the Republican party from itself." Warming to her theme, the petite brunette liberal extremist noted the latest Republican poll numbers—down somewhere between Robert Mugabe and the Ebola virus—and explained, "That's not good for our democracy. This is a tragedy for the Republicans. The GOP has become the Get Our President party. That's not the Republican party the people want. We have to reach out to them."

"Oh, come off it," I said. Well, okay, I didn't. Instead I nodded thoughtfully in a nonpartisan sort of way and marveled at the senator's ability to reel off her bit with a straight face. Eventually, sensing a massive uncontainable guffaw rising in her gullet, Ms. Boxer wrapped it up and stepped into the Senate elevator. As the doors slid closed, muffled howls of laughter began to shake the Capitol, glass rattled in the windows, plaster fell from the ceiling . . . Politics affords few greater pleasures than offering one's opponents some friendly but hopefully lethal piece of advice.

We're in one of those phases now—hence, the vogue for columns on the "Conservative Crackup," a fearsome beast that, like the Loch Ness Monster, more and more folks claim to have spotted looming in the distance. In reality, the unrelieved gloom is on the Dem side of the ledger: The Republicans are all but certain to increase their majority in 2006. Whereas, if you want the state of the Democratic party in a single image, cut out the photograph from the *New York Times* the other day: a pumped Robert C. Byrd giving a clenched-fist salute at a MoveOn.org rally. That's the Rainbow Coalition 2005 model: a dwindling band of ancient vindictive legislators yoked to a cash-flush unrepresentative fringe. It would actually be to the Democrats' advantage if the Byrd-Kos union were to crack up, but instead their union seems merely cracked, like a miscast double-act thrown together by a desperate burlesque agent.

There is, however, one exception to the Dems' dance of death: President-presumptive Rodham Clinton. The chances of a Rodham restoration in the White House are better than even. For one thing, the salient feature of the Clintons' Democratic party is that it was grand for the Clintons, disastrous for the party: The Dems lost everything—House, Senate, state legislatures, governorships—but somehow Bill and Hill were always the lone exceptions that proved the rule. Clinton couldn't even bequeath the White House to his vice president in a time of "peace and prosperity," yet the First Lady won an unprecedented victory in a state she'd never lived in. There is no reason to believe the Clintons' historical immunity to their party's remorseless decay will not continue.

**There is one exception to the Dems' dance of death: President-presumptive Rodham Clinton.**

Second, the fact of a female candidate will send the media into orgies of diversity celebration. Right now, it's the GOP with the star blacks (Rice), Hispanics (Martinez) and immigrants (Schwarzenegger), while the Dems are a sad collection of angry white males (Kennedy and Byrd). Were Condi to run against, say, Joe Biden in 2008, the press would play it strictly on the issues. But if it's Bill Frist against Hill, get set for a nonstop cavalcade of stories with little inset photos of Mrs. Thatcher, Mrs. Gandhi, Mrs. Bandaranaike (Sri Lanka), Golda Meir, Benazir Bhutto, Helen Clark (New Zealand), etc., etc., and headlines like "Is America Ready?" that manage to imply ever so subtly that not voting for Hillary is the 2008 equivalent of declaring that Negroes are three-fifths of a human being. Yes, yes, I know—cattle futures, HillaryCare . . . That'll be 16 years old on Election Day and nobody—or not enough—will care.

Third, the senator is a quick learner. Her initial campaign stops in the 2000 race were embarrassing: stiff, evasive, that robotic I Speak Your Weight voice. By the end, she was almost charming—not lightly worn Fred-Astaire-romancing-Audrey-Hepburn charm; you could see she had to work at it. But nevertheless she did, and she succeeded. Smart folks adapt: For Republicans to assume they'll be running against the Hillary of 1992 is a big mistake.

When you look at her feints to the right in the post-9/11 era, what matters is not whether she believes them but that she's the only Democrat with sufficient star quality to be able to ignore the deranged needs of UnableToMoveOn.org. Evan Bayh can't—hence his pathetic vote against Condi. No male Democrat could get away with Hillary's tentative moves away from Dem orthodoxy on abortion: Kerry was reduced to claiming that, while he personally believed life begins at conception, he would never let his deep personal beliefs interfere with his legislative program; Dean was practically offering to perform partial-birth abortions on volunteers from the crowd. But, if a woman runs as kinda-sorta-pro-life-ish, I'll bet the NOW types decline to protest.

Can Hillary be stopped? Obviously she can. But one lesson of the last 15 years is that the Democratic party is basically a dead husk—it's as effective as whoever's wearing it. In the Nineties, the Clintons swiped it. For the 2004 St. Vitus's dance, Michael Moore and Barbra Streisand and MoveOn.org seized it and couldn't make it work. But, if Hill takes it back . . .

Don't get me wrong. Biennial incremental gains by the GOP are set to continue for a while yet. But don't be surprised if November 2008 is the usual day of disaster for Democrats in the Senate, House, and states, with the exception of Hillary's election as president—and Chelsea's stunning victory in the North Dakota governor's race. **NR**



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| Lipper Short Investment-Grade Debt Funds Average | 1.35% | 4.57% | 5.34% | |
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| Lipper High Yield Municipal Debt Funds Average | 6.10% | 5.87% | 5.78% | |
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